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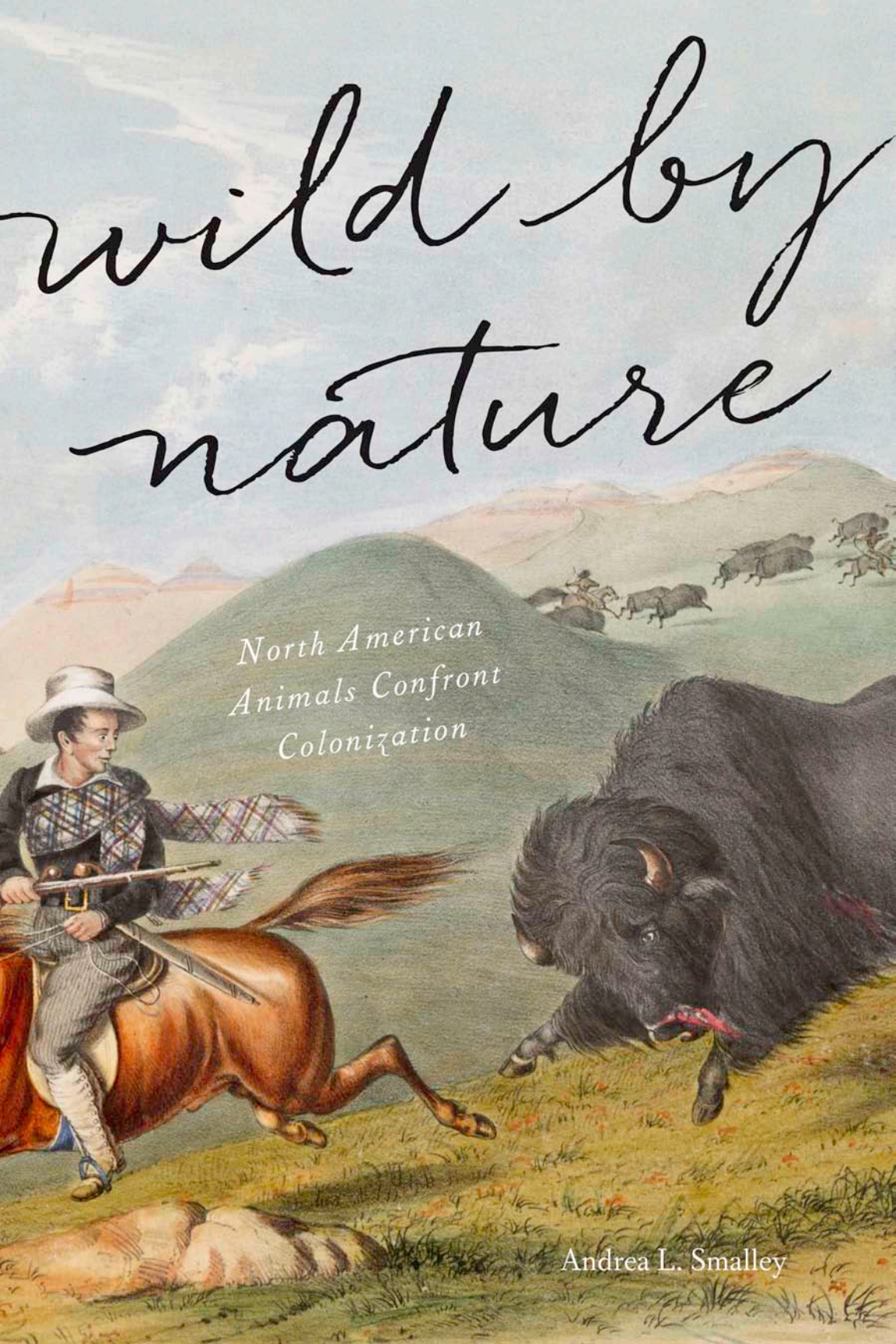

North American Animals Confront Colonization

Andrea L. Smalley

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Wild by Nature

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WILD BY NATURE

North American Animals Confront Colonization

ANDREA L. SMALLEY

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To Dad, for taking me hunting
To Mom, for convincing him to do so
And to Jim, for everything

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I took a long, circuitous route to arrive at this book, and along the way I have benefited from the assistance of a number of individuals. I could say the path started at Michigan Technological University's forestry school, where I began my college career. There I learned a lot about wildlife and environmental sciences. I also learned that I was a mediocre forester. After turning to history, I had the good fortune to begin my graduate work at the University of Wisconsin–Madison under the tutelage of Paul Boyer, William Cronon, and Jeanne Boydston. Their influences still shape the ways I think about history and writing. Shortly before his death, Paul Boyer generously read the proposal for this book and offered much-appreciated support for the project. Allan Kulikoff and, later, Aaron Fogleman took me on as a doctoral student at Northern Illinois University, and both provided critical contributions to the earliest iterations of my research. Though *Wild by Nature* bears little resemblance to the dissertation he directed, the book owes its organizational structure to an idea that originated with Allan. Aaron Fogleman's Atlantic World reading group gave me, like so many others at NIU, a forum in which to present draft chapters to graduate students and faculty. Returning to Northern as an assistant professor, I have been lucky to have the support of many colleagues who have read and commented on parts of the manuscript. Special thanks go to Sean Farrell, Beatrix Hoffman, and Trude Jacobsen for helping me to carve space for research and writing out of a heavy administrative load. Financial support from the university, first in the form of a dissertation fellowship and later in new faculty start-up funds, was instrumental in bringing this project to completion.

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Wild by Nature

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Introduction

George Campbell stood accused of the crime of "malicious shooting," and although the case appeared before the Georgia Superior Court, the charges against Campbell were not based on Georgia law. Instead, the prosecutors who brought the case in 1808 indicted Campbell for violating an infamous early eighteenth-century English statute commonly known as the Black Act. This 1723 act of Parliament was a harsh response to widespread poaching in private deer parks and royal forests in Britain, and it made the unlawful killing and maiming of animals a capital offense.[1] The Georgia court, though, quashed the indictment, deciding that the Black Act was inapplicable to American conditions. The presiding judge, Thomas U. P. Charlton, thwarted the prosecution's main argument by rejecting their contention that the statute was part of the English legal framework transported to the American colonies. Instead, Charlton agreed with the defense's claim that the law "never could have been in force" because it was clearly "founded upon a tender solicitude for the amusement and property of the aristocracy of England." The rule was "not only penal to feudal degree" but also "productive of tyranny." How could the Black Act, a regulation designed solely "to protect from the violation or profanation of the people, the forest of his majesty or the park of the peer . . . apply to a country which was but one extended forest?" Such a law, Charlton concluded, was obviously out of place in the American environment, where "the liberty of killing deer . . . was as unrestrained as the natural rights of the deer to rove."[2]

The opinion tendered in *State v. Campbell* assigned the faunal environment an active role in shaping the American legal landscape. In Charlton's colonial story, indigenous animals appeared as legal actors. The Revolution, according to the Georgia judge's reasoning, had not invalidated the Black

Act, for the statute "had never been in force." It was the American environment and its abundant wild animals that had rendered the English law inoperative. The "natural rights of the deer to rove" through the wilderness imparted an "unrestrained" liberty to the people that could not be abrogated by any statute—especially one written for an island nation where the land and beasts were mostly tamed, controlled, and owned. American animals, in contrast, could not be reduced to absolute property since they were, at law, *ferae naturae,* or "wild by nature." Their free-ranging presence indicated that the lands they roamed were unbounded and, most importantly, unowned—the "one extended forest" to which Judge Charlton referred. So long as the animals remained wild by nature, Americans possessed the liberty to pursue and kill them anywhere.

What Judge Charlton painted in the early nineteenth century was an already familiar picture of colonial North America. An unmarked, empty New World wilderness with its multitude of wild creatures was an image popularized from the Revolutionary era onward by commentators ranging from the late eighteenth-century agrarian author J. Hector St. John de Crèvecoeur and the early nineteenth-century political theorist Alexis de Tocqueville to the Progressive Era frontier historian Frederick Jackson Turner. All credited the natural environment with fostering a distinctive American society of equal and independent freeholders.[3] The freedom to hunt, fish, and fowl reflected the egalitarian nature of the new nation, while laws that restricted access to the faunal environment were Old World relics "productive of tyranny." The promise of free indigenous animal wealth, held out to settlers as an incentive to occupy the land, was part of the legacy of English colonization in North America.

Over centuries, from the time of the initial European "discoveries" of the New World until the closing of the frontier, the benefits of abundant wild animals appeared as a recurring theme in colonizing discourses. Explorers, travelers, surveyors, naturalists, and other promoters routinely advertised the richness of the American faunal environment and speculated about the ways in which animals could be made to serve their colonial projects. Fish and furs would provide a source of income for newly formed colonies. Settlers would subsist on the wild creatures that they could freely harvest from the forests and streams. All could enjoy without restraint what had been reserved as aristocratic privileges in England: hunting, fishing, and fowling. Trade in animal products would form the basis of economic and diplomatic relations with Native Americans. Some indigenous animals might even be

domesticated, others transformed into medicines, perfumes, or other useful concoctions. American animals would supply clues about the land and its suitability for English livestock. The multitude and diversity of wild beasts was, in all, clear evidence of a natural environment so incredibly rich that its colonization could be made easy.[4]

In day-to-day practice, however, American animals proved far less malleable to colonizers' designs. Indigenous animals more often stood in the way of Anglo-American plans to master and possess the land. Their behaviors constrained an English colonial vision of a reinvented and rationalized American landscape. Anglo-American authorities' unceasing efforts to convert indigenous beasts into colonized creatures frequently produced unsettling disorder that threatened colonizers' control over the land and the people. Not simply acted upon by being commodified, harvested, and exterminated, wild animals played protagonist roles in the colonial story and altered its outcome in unanticipated ways.

Animals acted as obstacles to colonization because their wildness was at odds with Anglo-American legal assertions of possession. The mobility of indigenous animals, their "natural right to rove," confounded lawmakers' repeated attempts to fix people and places in a colonial space. Animals and their pursuers transgressed the legal lines officials drew to demarcate colonizers' sovereignty and control over the landscape. Indigenous animals resisted the rationalized order of English colonization, and their behaviors allowed humans, in some instances, to do so as well. Consequently, wild creatures quickly became legal actors—subjects of statutes, issues in court cases, and parties to treaties—as authorities struggled to contain and preserve the wildness that made those animals so valuable to English settler societies in the first place.[5] Anglo-American colonizers dispossessed America's indigenous inhabitants by exploiting, occupying, regulating, and acquiring animal territories along with human ones. Only after wild creatures were brought under the state's legal ownership and control could the land be rationally organized and entirely possessed.[6]

This book examines the colonization of American animals as a separate strand interwoven into a larger story of English colonizing in North America. As such, it proceeds along a different and longer timeline than other colonial histories, tracing a path through various wild-animal frontiers, from the seventeenth-century Chesapeake into the southern backcountry in the eighteenth century and across the Appalachians in the early nineteenth, to end in the southern plains in the decades after the Civil War. This

study takes a southern route across American wild-animal frontiers—a route that intersects at crucial points with particularly illuminating human-animal interactions, such as the rise of free-range livestock husbandry, the expansion of the southeastern deerskin trade, and the explosion and decline of buffalo hunting on the southern plains. A path through the northern tier of the United States would likely produce somewhat different stories and casts of characters, as well as a number of continuities.[7]

Along the way, the book maps out an argumentative arc that describes three manifestations of colonization as it applied to wild creatures. An initial phase of English colonizing, concentrating on extraction and extermination, was characterized by colonizers' efforts to domesticate the faunal environment and to channel Indian-produced animal commodities into new economic streams. In its second expression, animal colonizing took an American turn, aimed at settlers' direct use of indigenous creatures as a natural resource pool to support independent proprietorship and to feed a developing market society. By the end of the nineteenth century, a third form of colonizing emerged that focused on the creation of bounded pockets of wildness within which America's animal heritage might be preserved. As the property of the state and protected within a legal framework that regulated access and use, wild beasts were transformed into wildlife during this period of US colonizing, more widely known as the conservation movement.

English, American, and US colonizing were not entirely distinct and separate chronological stages of legal development. Elements of each could be found at different times and at different places. Yet the overall trajectory toward state ownership and control in the late nineteenth century holds true throughout. This story of American animals and colonization thus provides a longer history of modern environmentalism that does not originate in a Progressive Era concern for vanishing natural resources.[8] Instead, the Progressive Era conservation movement—with its game codes and national parks, forests, and wildlife preserves—represented the culmination of colonization. It was the end of a contested process designed to reorder the environment in a rational way, to empty the land and convert it into bounded parcels with specific uses, transforming it so that the land could be expropriated from its indigenous inhabitants and legally possessed. Wild animals challenged that process. Told in this way, the story of English colonizing in North America takes place in an animate environment, not a static landscape.

For too long, histories of colonial America have been set against this static backdrop, concerned primarily with the efforts of human actors to

shape colonization's narrative. That is not to say that historians have ignored the natural world altogether. Indeed, almost any account of early America makes at least passing reference to the unfamiliar yet resource-rich environment Europeans encountered in the New World.[9] Researchers have long recognized the importance of coastal fisheries and fur trades as key economic drivers of colonial development.[10] Colonial historians of fifty or more years ago found in the wilderness environment a source—or at least a metaphor—for the American exceptionalism that marked many of their interpretations. Colonists' struggles to "settle" and "tame" a strange, empty land appeared as a leitmotif in these early to mid-twentieth-century works that sought to explain the special nature of the English colonizing mission in America.[11] A subsequent generation of scholars, adopting a less celebratory tone, reinterpreted European "discovery" and "settlement" of North America as conquest and invasion. Those historians acknowledged, even if only indirectly, that colonizers' access to and control over natural resources were an integral part of the dispossession and extermination of indigenous peoples and their cultures.[12] Recent historiographical shifts have refocused scholarly attention toward cultural interaction and adaptation as a theme in early American history. Here too, though, the natural world often appears in a supporting role. Researchers have revealed the ways in which Euro-Americans and Indians sought accommodation rather than annihilation in order to maintain a cross-cultural trade in American environmental resources.[13] All together, historians of early America have given the land and its animals a place in the scholarly literature. But the environment in those studies appears as largely passive, a mere repository of natural resources awaiting human action that transforms them into tools and weapons for the colonizers and the colonized.

By the 1970s, it remained for environmental historians to envision a more active role for the natural world in the history of colonial America, although the earliest work in American environmental history, with some notable exceptions, has dealt with much later periods. Some groundbreaking studies, however, have reconceptualized colonization as an environmental process involving "changes in the land"—some intended, some not—that, in turn, facilitated European domination of the New World.[14] A number of subsequent monographs, some forerunners in the subfield of animal history, assigned an active role to animals, demonstrating how imported domestic creatures—such as cows, pigs, and sheep—acted as agents of empire, furthering colonizers' agendas.[15] Recently, historical treatments of native fauna have become more common, with focused studies of wolves, fish, bison, and other

animals in early North America appearing in the past twenty years. These works investigate human interactions with and attitudes toward particular wild species, and are concerned mainly with the far-reaching and detrimental effects of European colonization and early national industrialization on wildlife.[16] So while environmental historians have brought animals into the foreground and even allowed that European domestic beasts played an active role in the colonial transformation of North America, researchers have continued to see indigenous American animals as mainly acted upon rather than as actors in their own rights in the unfolding of colonization's narrative.

This volume takes the "animal turn" to consider wild creatures as participants in the colonizing process in British North America.[17] As challengers to the legalities of Anglo-American possession, indigenous animals posed a variety of obstacles to colonization. Before colonial authorities could effectively extend their dominion over North America, they had to contend with the particular behaviors of different wild species. English colonizing required a reinvention of the landscape: the removal of indigenous peoples to create an empty wilderness, the transplantation of a migrant population, and the conversion of the land into bounded parcels with specific usages.[18] Wild animals complicated every part of that reinvention. Indigenous animals provided Native Americans with weapons to resist removal, and their presence worked to legitimate Indians' claims to territories.[19] Wild beasts devastated migrant populations of English livestock imported to pastoralize the landscape. Wild creatures crossed the physical and legal boundaries colonizers erected to separate different forms of land use and ownership. In response to these challenges, Anglo-American authorities were forced to revamp their tactics and redefine legal possession on each new wild-animal frontier. Colonizing American animals, without destroying the promised advantages of American wildness, was a problem lawmakers labored for centuries to resolve. Wild animals were thus responsible for shaping the particular nature of colonization in British North America.[20]

Each of the following chapters investigates instances where individual wild species impeded colonizers' plans to reshape the North American terrain. The specific behaviors and habits of beaver, wolves, fish, deer, and bison presented distinct sets of obstacles to colonizers and provided tools of resistance to colonized peoples. Each chapter focuses as well on a particular expression of possession: settlement and colonial boundaries, improvement, notions of private property and common rights, trespass, and Indian

title and occupancy. The different animals and historical conflicts examined here, however, do not simply provide a series of illustrative case studies. These particular wild creatures—beaver, wolves, fish, deer, and bison—were the ones most legislated in early America. With few exceptions, they were the animals that preoccupied authorities and settlers alike. Their stories, plotted out on a line running east to west, follow the generally chronological development of three manifestations of animal colonization—from the extraction of beaver pelts and extermination of wolves that marked English colonizing in the seventeenth century, through the conflicts over access to migratory fish and deer that were expressions of American colonizing in the early republic, to the emergence of US colonizing as it applied to bison in the southern plains in the second half of the nineteenth century. Taken together, these animal histories trace out the intricate relationships between the actions of wild species and the constraints on the changing colonial vision to own and master the American environment.[21]

These animals' individual stories are prefaced by an overview of the initial encounters and descriptive accounts of American fauna produced over centuries by European explorers, missionaries, travelers, naturalists, and others. English colonizing discourses repeatedly claimed that abundant American animals could be made to serve the goals of a settler society.[22] A wide range of English colonial promoters advertised the possibilities and benefits of indigenous animals as the colonizing process moved inland across successive wild-animal frontiers.[23] As they became familiar with their surroundings, colonizers sought to make this vision of useful creatures a reality by fixing wild animals' place in the landscape through scientific observation, daily practice, and law. These observers came to see indigenous creatures as more than just merchantable commodities, for they envisioned a variety of ways in which animals could be made to benefit colonizing projects.[24]

Of course, in some of their earliest encounters with North American animals, English colonizers were particularly interested in creatures that could be extracted from the environment and transformed into saleable goods. Beaver pelts were key commodities in the early seventeenth-century Chesapeake fur trade, which is the focus of chapter 2. As that chapter shows, beavers worked to reveal the limitations of the sweeping claims made by competing European powers over vast and ill-defined American territories. Beaver habits and distribution drew colonizers' attention outward, away from their settler societies hugging the coast and toward remote and unknown interior regions of the continent. Colonial officials and investors in Virginia

and Maryland, coming late to a beaver trade that was, geographically, moving away from their control, found themselves embroiled in conflicts with other colonies competing for access to this valuable animal commodity. Seeking to make the economic benefits of beavers real, authorities both extended and weakened the boundaries of their imperial claims while encouraging Indian trappers and traders to move across increasingly permeable colonial borders. Those movements provoked a rebellion of frontier settlers and entangled Maryland and Virginia in far-flung colonial conflicts, including the so-called Beaver Wars of the seventeenth century. The Chesapeake beaver trade, though short-lived, gave rise to a frontier zone where competitive individualism, stunted regulatory regimes, and fluid alliances prevailed—a frontier that imperfectly divided an interior extractive colonialism dominated by Indians, from an expanding, eastern settler society.[25]

Wolves stood in the way of that expansion. Chapter 3 shows how wolves obstructed individual claims of possession based on English ideologies of enclosure and improvement from the late seventeenth century into the early nineteenth. Settlers asserted their legal ownership by planting domestic crops and livestock on the land. Animal predators and pests directly impeded this domesticating process by changing their habits and attacking migrant species. Frontier settlers from the Chesapeake to Kentucky explicitly connected the depredations of wild animals, especially wolves, to the possible failure of their individual ventures and the colonial project as a whole. Initially confident in their ability to reshape the landscape by eradicating wolves and other vermin, colonial authorities used the law to encourage predator extermination. But the task proved difficult. It was not enough for colonists to fence and improve their individual parcels of land, for wolves and other predators had little respect for English emblems of ownership. The wild spaces wolves occupied had to be brought into the colonial order as well. By the turn of the nineteenth century, wolves' actions had fundamentally altered English colonizing, shifting frontier settlers' attentions away from enclosure and improvement and toward the free-range animal husbandry and hunting that became characteristic of an American version of colonization.

Chapter 4 further illustrates the transition to American colonizing by examining early republican disputes involving fish in the piedmont regions of Virginia and North Carolina. Valuable both as articles of subsistence and as profitable commodities, migratory fish provoked debates about legal definitions of possession, since their mobility appeared to defy private ownership.

Inseparable from the rivers and streams in which they swam, wild fish such as shad worked to blur the lines between open-access resources, common rights, public ownership, and private property.[26] Capitalist development at the turn of the nineteenth century industrialized the rivers and provoked contests between milldam owners, steamboat companies, commercial fishermen, riparians, and local inhabitants over access to water resources. Each group advanced competing and sometimes contradictory versions of their legal rights to fish and the rivers in which they lived. The actions of fish revealed that Anglo-American concepts of fixed, severable property rights and rationalized land use could not be easily reconciled with the mobility of wild creatures.

Mobility was also at issue in the case of the white-tailed deer. Chapter 5 follows these elusive creatures and their hunters across the trans-Appalachian West from the late eighteenth century to the era of Indian removal. It demonstrates how deer habits encouraged commercial deerskin hunters to ignore the fixed lines of possession American colonizers erected on the landscape.[27] When Euro-American hunters trespassed on private properties and into territories claimed by Indians as their hunting grounds, legislators attempted to deter disputes, first by curtailing American hunters' mobility and later by assigning some Native American hunting grounds protection under the law. Anglo-American authorities dismissed Shawnee claims to Kentucky's hunting grounds in favor of an unrestricted hunting commons to support frontier settlement and the growing southern deerskin trade. In contrast, Cherokee, Creek, and Chickasaw Indians were better able to secure legal protection for their hunting grounds in the Carolinas, eastern Tennessee, and Georgia. Those territories, which were held inviolate by the government after the Revolution, became a rationale for Indian removal by the 1830s. Lawmakers tied Native Americans' hunting-grounds rights to deer rather than to the soil. In doing so, they ensured that the "Indian title" they had invented conveyed only a temporary right of occupancy on the land—a right that could be extinguished when the deer were no more.

On the southern plains, American colonizers came to understand possession as a problem of animal, as well as human, occupancy. Chapter 6 shows how the American bison, the last of the abundant, large indigenous species, impeded Anglo-American control of the plains by standing, at times quite literally, in the way of the carriers of colonization. Buffalo behavior shaped the cultures and economies of Southern Plains Indians and contributed to the dynamism of tribes such as the Comanche and Kiowa.[28] Though

American observers had long predicted the buffalo's imminent extinction, the animal proved more tenacious than expected. Even as bison populations declined over the nineteenth century, these wild animals provided Native Americans a means, albeit an increasingly symbolic one, to maintain their claims to the western prairies. Buffalo became parties to post–Civil War treaties designed to bring order to the frontier. Their presence, even in diminished numbers, forged the key to legitimating native possession and Indian sovereignty. As such they became as much political players as economic ones. The Indian uprising in the Texas Panhandle between 1874 and 1875, one of the many late nineteenth-century confrontations that took place on the plains, made clear the connections between the buffalo, native occupancy, political power, and legal possession.

In the end, the plains bison at stake in the Buffalo War, as some later called it, exposed the contradictions between colonizers' promises of free wild-animal abundance and Anglo-American possession claims based on a rationally ordered environment. By the close of the nineteenth century, many Euro-Americans agreed that the fate of the bison was inextricably bound to that of the Native Americans. Although they lamented the loss of what had come to be imagined as an integral part of a distinctive American identity, most assumed that extinction of the wild buffalo and "the wild Indian" was part of colonization's natural progression. Few recognized, however, the role wild animals played in prolonging that process.

Over centuries of encounters with indigenous animals, Americans had accorded wildness a wealth of cultural currency. Although wild creatures posed various obstacles to colonizers, the promotional promises of freely available animal abundance persisted throughout colonization's prolonged unfolding. Wildness was a stimulus to settlement, as well as a barrier. At the end of the nineteenth century, with the land possessed and the bison nearing extinction, activists and legislators looked for ways to preserve and protect the remnants of America's wild heritage. They appropriated territories, removed the indigenous inhabitants, and restructured the terrain to accommodate a new usage. They established a different legal regime to regulate the land and the animals contained in the first national forests, national parks, and wildlife refuges.[29] Legal authorities created pockets of wilderness in which animals could be wild so long as they remained within the legal boundaries imposed on the landscape. This, then, was the triumph of colonization. As the property of the state, wild beasts became wildlife.[30] What follows is the animals' side of the story.[31]

Creatures Serving for the Use of Man

By any objective accounting, it was a failure. Sir Humphrey Gilbert's second attempt to plant an English colony in North America fell apart almost immediately, despite the Oxford-trained navigator's careful planning. Just two days out from Plymouth in the summer of 1583, the largest bark in Gilbert's five-ship fleet, under the command of his half-brother, Sir Walter Raleigh, turned back, due to a shipboard outbreak of disease. Later, heavy seas and fog separated the *Squirrel* and the *Swallow* from the general and the rest of the fleet. Reunited with his missing ships on the Newfoundland coast, Gilbert discovered that some of his wayward sailors had turned pirate. They had overthrown the *Swallow*'s captain and raided two French fishing vessels along the way. More of the disgruntled crew abandoned the expedition in Newfoundland and took to pillaging the assorted ships plying the offshore fishing grounds. Despite the mutinies, resistance, bad weather, and disease that plagued his expedition, Gilbert persevered and claimed the harbor of St. John as England's possession. He asserted—somewhat to the dismay of the French, Spanish, Portuguese, and Basque fishermen assembled there—the Crown's authority over all the land by receiving "after the custome of England, a rod [a small hazel twig], and a turffe of the same soile."[1]

As Gilbert sailed southward along the North American coast, his bad luck followed. The *Delight,* his largest remaining vessel, ran aground on Sable Island and was battered on the rocky shores. Nearly eighty men drowned in the cold sea, and the wreck's few survivors endured six wretched days and nights in an open boat with "no better sustenance than their own urine." After this "heavy and grievous event" that entailed the loss of most of the expedition's provisions, the general's loyal captains convinced him to return to England. But Sir Humphrey Gilbert never made it home. A violent storm off

the Azores sunk his ship, the *Squirrel,* with the loss of all hands. As the frigate foundered in the tossing waves, Gilbert was heard to shout, "We are as neere to heaven by sea as by land." The explorer was then cast away in the darkness, his ship "devoured and swallowed up of the sea."[2]

When the expedition's lone surviving vessel, the *Golden Hind,* put in at Weymouth near the end of September 1583, its captain, Edward Haies, immediately set out to salvage his commander's reputation, or at least his venture. Haies's report reaffirmed the ultimate soundness of Gilbert's colonizing plans, despite the many disasters that had plagued their voyage. After laying out the case for England's legal right to possess "those so ample and pleasant countreys" north of Florida, the adventurer proceeded with a businesslike inventory of Newfoundland's natural commodities, resources that appeared in quantities and qualities equal to those found in Europe. Here colonizers could acquire "rosen, pitch, tarre, sopeashes, dealboord, mastes for ships, hides, furres, flaxe, hempe, corne, cordage, linnen-cloth, mettals and many more." Fir, cypress, and pine trees could produce gum and turpentine. The soil, though not deep, supported grass and herbs that were "good feeding for cattell" and sheep. The mountains yielded evidence of copper, iron, and lead. As to the presence of more precious substances, such as gold, silver, and pearls, Haies would not attest, being content instead with a sober accounting of only the resources he saw firsthand. Those alone, he predicted, would bring more than enough reward to English colonizers.[3]

But as Haies described the wild animals in this "Newfound land," his matter-of-fact tone gave way to one tinged with wonderment. New World creatures far surpassed those found in Europe. The land was populated with an amazing array of animals, he reported, including "foule both of water and land in great plenty and diversity . . . Patridges most plentifull larger than ours . . . Beasts of sundry kindes, red deare, buffles or a beast, as it seemeth by the tract and foote very large in maner of an oxe. Beares, ounces or leopards, some greater and some lesser, wolves, Foxes, which to the Northward a little further are black, whose furre is esteemed in some Countries of Europe very rich. Otters, bevers, and marternes." Strange and marvelous beasts walked the land and swam in the waters. The peculiar "fish in shape of a lion" with "long teeth," "glaring eies," and "horrible voyce" that followed Gilbert's ships as they left North American shores was but one unique specimen in an extraordinary faunal environment. There had to be even more, the normally conservative Haies assured his readers, since the adventurers

"could not observe the hundreth part of creatures in those unhabited lands" in their all-too-brief visit.[4]

American animals represented more than just profitable commodities to Haies. The many different wild things he encountered were signs of a divine assistance upon which future colonists could depend. "The magnificent God," he wrote, had "superabundantly replenished the earth with creatures serving for the use of man." But mankind had yet to make full use of these gifts. Such negligence revealed "the fault and foolish slouth" of Englishmen who lived "indirectly, and very miserably" in a "realme pestered with inhabitants." Instead, the explorer exhorted, they should "adventure as becommeth men" and obtain a "habitation in those remote lands." Those who did would find that "Nature very prodigally doth minister unto mens endevours."[5] Gold and silver, if there were any, might make adventurers rich, but animal wealth would make settlers successful.

Like Haies, other European explorers found North American animals remarkable. Spanish, French, Swedish, and Dutch observers shared the English notion that the abundance and diversity of American fauna were key measures of the differences between the Old World and the New. European adventurers perceived the profusion of wild creatures as important indicators of North America's physical and cultural environment. Animals supplied clues about things such as climate and soil fertility. Animal products—furs, skins, meat, and feathers—provided evidence about American societies and economies. Extrapolating from their observations, as well as from native knowledge and their own preconceptions, a wide range of commentators—including explorers, investors, missionaries, politicians, naturalists, travelers, and settlers—imagined how indigenous animals might help or hinder their colonial schemes. Their plans varied. With colonial visions shaped by diverse cultural, legal, and environmental contexts, each imperial power conjured up different roles for wild animals in their particular colonizing performances.[6]

English colonial commentators, more so than other Europeans, consistently portrayed indigenous animals as "creatures serving for the use of man."[7] They predicted that American animals would ultimately help colonists in their efforts to plant the fixed settlements, bounded properties, and improved farms that were the cultural and legal markers of English possession.[8] Colonial writings reflected this conviction. Across the course of nearly three centuries, English texts about wild animals maintained a stable and repeating set of characteristics. In their initial encounters with

new environments on the North American eastern coast—and later, in the interior of the continent—observers began by envisioning a variety of ways in which wild creatures could aid settlement: food, trade, medicine, recreation. As Anglo-American projects gained momentum in the seventeenth century, the English imagination turned more directly to promotion. Animals took center stage in a vision of colonization that proffered democratic access to the untapped natural wealth of the British North American mainland as a way of encouraging Euro-American migration and settlement.[9] Exploitation of animal wealth, however, required a particular environmental order, one that aligned with English conceptions of property. Over time, writers developed a firm faith in colonizers' ability to impose a rationalized order that fixed wild animals in their proper places on the landscape without taming them. This formula of potential, promotion, and order recurred in English texts as Anglo-American colonizers confronted the indigenous animals inhabiting each new frontier. In the English imagination, American wildness, in its animal forms, could ultimately be harnessed to the service of a well-ordered settler society.

Finding Potential in First Encounters with New World Animals

Nearly a century before Edward Haies, Christopher Columbus offered a somewhat more effusive accounting of all the natural riches the New World offered. In his narrative of his first voyage in 1492, the explorer lamented that he was not equal to the task of describing such an amazing environment. Columbus insisted that he could not represent "the hundredth part of what he saw" and that "a thousand tongues would be insufficient to inform the King and Queen of what they saw there, or a thousand hands to describe them." In fact, the report declared, "these countries are so extensive, so excellent and fertile . . . that no person is competent to describe them, and no one would believe what was said of them without ocular proof." Nevertheless, Columbus "was desirous that other persons of prudence and credit should be witnesses of them," and he was "certain their descriptions [would] not fall short of his."[10]

European adventurers of various stripes answered Columbus's call, and throughout the sixteenth and seventeenth centuries, explorers described—in official accounts, letters, chronicles, and natural histories—their first encounters with the North American faunal environment. While their depictions shared many traits in common, they also differed in telling ways. Early reports from Spanish, French, and English America reflected the distinc-

tive geographies of each region, as well as the divergent policies of each imperial power. Interactions of home cultures and local conditions conspired, producing initial descriptions of indigenous animals that, when read closely, presaged the different patterns of European colonization that developed in North America.[11] In their similarities and their differences, Europeans' first impressions of America's wild creatures revealed colonizers' aspirations for their New World empires.[12]

Abundance was the common thread in Europeans' animal accounts. The entire continent, explorers reported, was alive with creatures both familiar and strange. In a 1524 letter to the king of France, Giovanni da Verrazano described the Carolina landscape as "abound[ing] in animals, as deer, stags, hares, and many other similar, and with a great variety of birds."[13] Soldiers accompanying Coronado in 1540 remarked that the bison in the Southwest traveled "in such large numbers that nobody could have counted them." As the Spaniards approached the massive herds, recalled Pedro de Castañeda de Nájera, it became "impossible to see the ground on the other side of them."[14] New Mexico likewise boasted an "abundance of game" that seemed "infinite" to the Portuguese missionary Alonso de Benavides in 1626.[15] Even the harshest climes of North America swarmed with wild beasts. The Hudson Bay region of Canada, reported Father Gabriel Marest in the early eighteenth century, was home to countless creatures of land, water, and air. Caribou, in herds numbering in the hundreds, could be hunted year round.[16] Nearly everywhere European explorers ventured, they found astonishing numbers of wild things.[17]

European first-encounter narratives also fastened on American animal curiosities, such as opossums, flying fish, sea lions, and flying squirrels, as examples of the amazing variety of New World creatures awaiting discovery.[18] Unable to fit this unfamiliar faunal environment comfortably into classical and biblical forms, European writers of a newly scientific natural history began to emphasize empirical evidence and direct observation as the authoritative basis for their representations of American nature.[19] Jacques Cartier, for example, was initially skeptical of the animal tales he heard from the "wild men" on the St. Lawrence River in 1535 and 1536. Stories about the "many fishes shaped like horses" that lived on the land and in the water could only be confirmed after Cartier saw walruses for himself.[20] De Soto's men found unusual snakes "as bigge as a mans thigh, or bigger" on their way to Florida.[21] In the Southwest, Spanish writers described the bison's peculiar appearance as so odd it made soldiers laugh and horses bolt.[22] Farther

north, the French Jesuits reported seeing "strange things," such as "many wild forest oxen," which were "as large as horses."[23] Porcupines so intrigued Father Paul Le Jeune that he insisted upon catching one by the tail. He later depicted, in sharp detail, his "first hand" experience with the animal's needle-like quills.[24] For Le Jeune and other scientifically minded European observers, unusual wild creatures like the porcupine provided living, empirical proof of American uniqueness.[25]

While peculiar animals were common in many European first-encounter narratives, they were especially prominent in Iberian accounts. Spanish writers, many of whom were early contributors to scientific natural history, emphasized above all the strangeness of American animals in their texts. Gonzalo Fernández Oviedo's authoritative *Natural History of the West Indies,* originally published in 1526, provided some of the first depictions of New Spain's unusual inhabitants, including manatees, lions, and the "very strange" armadillo, a creature "quite different from any animal in Spain or anywhere else."[26] Although interesting as curiosities, exotic animals offered little to Spanish colonizers bent on acquiring silver and gold. Wild creatures could play no significant part in a Spanish version of colonizing obsessed with the subjugation of indigenous peoples rather than the occupation of their lands. Conquest, not settlement, legitimized the Crown's authority over its vast American territories.[27] In the Spanish imagination, American animals were only useful if they, too, could be made subservient to their colonial masters. New Spain's immense bison herds were "enough to make a prince powerful," suggested Alonso de Benavides early in the seventeenth century, "if there could be . . . a plan whereby they might be brought out to other lands."[28] Left in a wild state, they were of little value. The Spanish made some efforts to capture and domesticate bison and other beasts, but their attempts usually failed.[29] In the end, American animals, though astonishing and abundant, remained wild and therefore marginal to the larger story of Spanish colonization.[30]

Wild animals were the story in New France, where North American animal wealth in the form of fish and furs quickly replaced dreams of silver and gold in colonizers' plans. Consequently, French first-encounter narratives reflected the central roles indigenous animals and indigenous peoples would play in shaping what would become a commercial empire in the New World. French depictions of the American faunal environment tended to highlight the interactions between Native Americans and wild creatures. Explorers and missionaries focused on the interplay between animal habits and na-

tive social practices. They devoted long passages of their reports to detailed descriptions of Indian hunting methods and explications of indigenous environmental knowledge.[31] Father Gabriel Marest's characterization of the Hudson Bay tribes was typical of French colonial accounts. "See how God cares for these Savages," he wrote to his superiors early in the eighteenth century. "As their land is unproductive, the Lord provides for their maintenance by sending them so great a quantity of game, and by giving them also special skill in killing it."[32] That special skill was critical to a French colonizing project that relied on Indian-produced furs and cooperative trading relations, rather than on conquest or settlement. French colonizers interpreted Native Americans' willingness to share their animal knowledge and wealth as evidence of their political consent to French authority.[33] What was most significant in the French colonial imagination was not the wildness of New World creatures but their Americanness. Early narratives of New France envisioned indigenous animals as the conduits through which French influence and, ultimately, French possession would flow over American land and American people.

English first-encounter narratives repeated many themes found in contemporaneous European accounts of New World animals, but English writers told a different kind of colonial story, one that predicted an even wider range of roles for North America's "divers beasts." Wild creatures emerged in the English colonial imagination as potential aids to settlement. This view was a product of both the beneficent faunal environment and an English colonizing formula that equated legitimate possession with productive use.[34] American animals, commentators insisted, could easily be made to serve a migrant population sent to occupy the land. Wildness was a virtue in the calculus of English colonizing. It marked the land and its resources as unowned and free to colonists willing to put them to productive use. In a colonial vision centered on the planting of agrarian settlements, access to wild animals represented not a route to fabulous riches but a path to competency.[35]

English observers, like their French and Spanish counterparts, were most impressed with North America's natural faunal abundance. In their earliest expeditions, English explorers recorded extensive lists of the animals they encountered, including "Beavers, Otters, Foxes, Hares . . . wild Catts with rich Furrs; Musk-Rats, *&c*." Wild pigeons were "in Winter numberless," appearing in flocks so large and "so thick that they obscure the very Light."[36] The inland waters were also "plentifully stored with Fish" of various sorts. Off the Newfoundland coast, immense schools of fish could be swept up

with brooms or netted as easily as one could scoop up wheat in a shovel. Only three or four hours of fishing, claimed Anthonie Parkhurst, would suffice to supply "a whole Citie."[37] In 1584, Roanoke Island was, according to Capt. Arthur Barlowe, "replenished with Deere, Conies [rabbits], Hares, and divers beasts, and about the goodliest and best fish in the world, and in great abundance."[38] John Hawkins, on his second voyage to the Florida coast in 1565, found a "marvellous store" of deer along with "divers other beasts, and fowle, serviceable to the use of man." John Sparke declared in his chronicle of Hawkins's journey that "the commodities of this land are more than are yet known to any man."[39] For the English, this seemingly endless wild-animal abundance was particularly remarkable, since it stood in stark contrast to the increasingly artificial and controlled environments of their more cultivated homeland.[40] Colonial commentators made those comparisons often. From what he had seen at Roanoke, Arthur Barlowe concluded that "in all the world the like abundance is not to be found: and my selfe having seene those parts of Europe that most abound, find such differences as were incredible to be written." The profusion of wild animals in American forests proved that the landscape was "not such as you finde in Bohemia, Moscovia, or Hercynia, barren and fruitles."[41] By situating their depictions of plentiful New World fauna against a backdrop of depleted Old World landscapes, English adventurers hoped to foreground North America's countless environmental possibilities.

In their first encounters, English explorers looked for evidence of fantastic animals—the beasts of European myths and folklore—as a way of emphasizing the wondrousness of the American landscape. Strange creatures, such as the unicorns that John Sparke claimed to have found in Florida or the "*Mereman*" in New England that grabbed hold of an Englishman's canoe, were part of the early American bestiaries many writers compiled.[42] English seaman Job Hortop found a "monstrous Lagarto" in the West Indies that possessed a head "like a hogg," a "body like a serpent," and "long nails like unto a dragon." Hortop's group caught and killed one of these monster alligators by baiting a hook and line with a dog.[43] Englishmen lost in the wilderness of New England's forests heard "terrible roarings" that could have only come from "devils or lions," according to William Wood.[44] Also found in the forest was the improbable "Tree Buck." This "admirable rare creature," alleged the naturalist John Josselyn, was shaped like a deer with "Horns of a gummy substance" and "only the sign of a mouth and eyes." Equally strange to Josselyn was the moose, which was "a Monster of superfluity"

in his estimation.[45] Taken together, these fantastic forms of animal life reinforced the notion that the New World was wondrously different from Europe.

Wild animals also served in English texts to distinguish between the human environments of the Old World and the New. To Englishmen, Indians' uses of indigenous animals marked their societies as exotic and primitive. John Smith's 1612 account of Virginia described Indian attire as roughly made from "the skinnes of Beares, and Woolves." Some of the men wore a "small green, and yellow coloured Snake, near half a yard long," through holes pierced in their ears. These decorative reptiles wrapped themselves around the necks of the wearers and "oftentimes familiarly kisse[d]" them upon the lips. Others sported a simple "dead Rat tied by the tail" in their ears. Another person wore the "head of a Woolfe hanging in a chaine for a Jewell." Still others donned hats constructed of "the skin of a Hawk, or some strange Fowl," or tails of rattlesnakes.[46] Clothed in the "skinnes of beasts," Indians' use, or supposed misuse, of wild creatures appeared to early explorers as evidence that the Americans possessed "no Arts nor Science" and would therefore "embrace a better condition" brought to them by English colonizers.[47]

Of course, English adventurers were looking for more than the exotic and unusual. They were also seeking profits. Not surprisingly, initial English reports—aimed as they were at the investors and merchant capitalists who financed North American expeditions—cataloged the extractable resources and merchantable commodities discovered.[48] These earliest inventories of American environmental goods often ignored indigenous animals, however, or accorded them little significance in the list of possible trade goods. Thomas Harriot mentioned deerskins and furs in his 1590 record of Virginia's merchantable commodities only after listing silk, flax, hemp, alum, cedar, pitch, tar, resin, sassafras, oil, and wine. Furs from otters and martens, Harriot conjectured, might "yeelde good profite," but the English had yet to see many of those animals in Virginia. He ascertained "by the relation of the people" and by the smells he encountered in his travels that there might be "civet cattes" in the country whose "stones" could be harvested for musk, but American skunks never proved to be good sources for perfumes and air fresheners.[49] John Smith also initially overlooked land animals as profitable goods. He turned to fish and furs in order to finance his 1614 New England voyage only after he had failed to find the more valuable whales, gold, and copper that he had originally sought.[50]

While land animals seemed, at first, uncertain sources of profit, fish were another matter. The financial benefits of commercial fishing in the North Atlantic were well established by the late sixteenth century, and many English writers focused on this industry as a motivation for colonizing in the New World. George Peckham, reporting on Humphrey Gilbert's expedition, maintained that the value of the trade in ocean fish was already "generally known."[51] In fact, as Parkhurst noticed in 1578, the number of fishing boats along the North American coastline had increased dramatically in the previous years, with ships from various European nations competing for the ocean's resources. Parkhurst advocated English colonization of Newfoundland, certain that it would allow his countrymen to "bee lordes of the whole fishing in small time."[52] John Brereton insisted that the fisheries of New England promised even better, more convenient commercial fishing to the English than Newfoundland.[53] Seventeenth-century colonial observers from Smith to William Wood encouraged the exploitation of this "maine staple," confident that cod and other fishes would be valuable not only for the "sustentation of the plantations" but also for "trade into other countries."[54] Plymouth Company backers likewise pushed colonists to settle in New England "chiefly for the hope of present profit to be made by the fishing that was found in that country."[55]

Unlike the ocean fishing industry, which was dominated by Europeans, the potential trade in animal furs and skins was, from the start, one that required American participation. English colonizers recognized that the most obviously merchantable animal products in European markets were the pelts that had already been converted into exchange items by Native Americans. Englishmen did not have to imagine wild creatures as commodities; they only had to observe the almost endless supply of deerskins and beaver pelts that Indians possessed and sometimes offered in trade.[56] Still, English colonizers insisted that the potential commercial value from "the commodities there to be raised both of the sea and land" could only be extracted, as Haies put it in 1602, after "we have planted our people skillfull and industrious."[57] Virginia colonists predicted in 1609 that their settlement would eventually produce "many Skinnes and rich furres," as well as "plenty of Sturgion" and other commodities as yet unknown.[58] A year later, the Council of Virginia once again touted Jamestown's prospects, writing, "the river swarmeth with Sturgeon," and "the woodes doe harbor exceeding store of Beavers, Foxes, and Squirrils, the waters doe nourish a great encrease of Otters; all which are covered with pretious furres."[59] The value of these

wild resources, however, was still unrealized. For English colonizers, settlement was a necessary precursor to the development of a transatlantic trade in wild things.

Indigenous animals could be used for much more than just commercial gain. Certainly, English commentators used the language of commodities to describe much of what they saw in the New World, but most were careful to distinguish between resources for trade and resources that could be used to sustain human life and promote settlement. The distinction was one most readers understood, since English writers often employed the term *commodity* in a utilitarian sense, identifying those things that were advantageous and convenient, not just saleable goods. Calling all natural products "commodities" in his 1588 *Briefe and True Report . . . of Virginia,* Harriot specified "marketable commodities" in a separate category from "all the goods that we know grow naturally there for food and sustenance of life." Harriot's report was typical of English narratives that went beyond mere descriptions to include predictions about an entire range of uses for American faunal resources.[60]

Wild creatures could provision the explorations of English adventurers. The sailor Job Hortop, for example, appreciated the "fresh victuals"—birds and eggs—gathered from offshore islands while his ship was en route to the West Indies in 1567.[61] Haies proposed that Gilbert's 1583 voyage "ought to shape a course" for the fishing banks off Newfoundland, where "we should be relieved abundantly with many necessaries."[62] Harriot's listing of beasts, fowl, and fish in his *Briefe and True Report* emphasized the "sortes of victuall that we fed upon for the time we were in *Virginia*" in 1585.[63] Accounts such as these confirmed that a rich faunal environment, brimming with wild creatures, made it exceedingly easy for anyone to live off the land.

A number of writers took the next step to envision how indigenous animals could sustain infant New World settlements—the initial outposts of English possession. Early descriptions drew clear connections between abundant animals, a fertile environment, and successful colonies. One 1609 tract made that point directly, maintaining that the land in Virginia "yeeldeth naturallie for the sustentation of man, aboundance of fish, both scale and shell: of land and water fowles, infinite store: of Deere, Kaine and Fallow, Stags, Coneys, and Hares, with many fruits and rootes good for meate."[64] Prolific, well-fed, and plentiful fauna showed that the American environment contained "all things necessary for mans sustentation . . . in abundant variety." For English colonial commentators, this was a key point. Confronted with a landscape

abounding in wild creatures, colonizers chose to emphasize not fabulous animal riches but the promise of a "good competencie."[65]

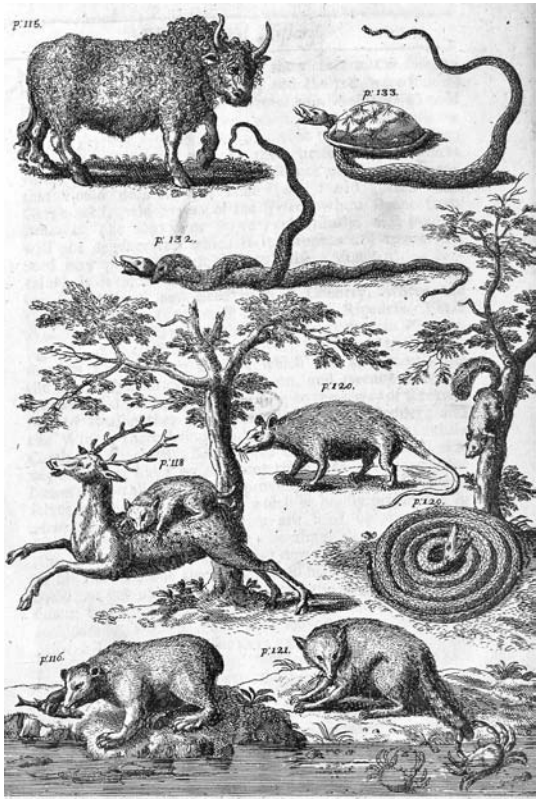
American wild animals were, first and foremost, good to eat. Creatures familiar to the palates of English men and women, such as deer, needed no recommendation from colonial writers, who tended to list American animals according to a hierarchy of taste. Bestiaries of edible creatures included unfamiliar species as well. Raccoons were, according to one English tract, "as good meat as a Lamb."[66] Harriot's account of Virginia recorded "*Saquenúckot & Maquówoc*" as "two kindes of small beastes greater than conies which are very good meat." In fact, almost every entry in his inventory of the wild species in Virginia noted whether or not the animal was "good meat." His listing of birds apologetically ended with the inclusion of "Parrots, Faulcons, and Marlin hauks," which Harriot conceded were "not used for meat, yet for other causes I thought good to mention."[67]

English texts posited other promising uses for American animals. Some saw their abundance as evidence that domestic livestock could be successfully introduced in the New World. Other writers proposed that native creatures be domesticated rather than importing European livestock. According to Wood, early New England colonists had "some thoughts of keeping [moose] tame and to accustom them to the yoke, which will be a great commodity." These animals, he mentioned, would produce meat, milk, and muscle power and could "live in winter without fodder."[68] Wild animals could also be converted into medicines, as Josselyn explained. His 1674 work, *Two Voyages to New-England,* included animal-derived folk remedies for everything from colic to broken bones. Particularly potent cures could be extracted from bears, Josselyn noted, revealing that one man "cured himself of the *Sciatica* with *Bears-greese,* keeping some of it continually in his groine." A bear's penis, he continued, was good for expelling kidney stones.[69] Whatever remedies, resources, or rewards settlers needed, wild creatures could be found to provide them.

As English colonizers probed westward across the continent in later centuries, they continued to imagine all manner of possibilities presented by the familiar and unfamiliar wild creatures they first encountered. Anglo-American exploration accounts from the seventeenth and eighteenth centuries repeated the themes first rehearsed in sixteenth-century colonizing texts. John Lederer, who immigrated to Virginia from Germany in 1668, reported his southern Appalachian discoveries in 1672 and assured those interested in retracing his journey west that, for provisions, "you may se-

curely trust to your gun, the woods being full of fallow, and savanae of red-deer, besides a great variety of excellent fowl, as wilde turkeys, pigeons, partridges, pheasants, etc." He also offered advice for establishing a "home-trade with neighbor-Indians for skins of deer, beaver, otter, wild-cat, fox, raccoon, etc."[70] The naturalist John Lawson encouraged further exploration of the western Carolinas in 1709, predicting that, in "the Back-part of this Land," there surely existed soil, air, weather, plants, "and several Animals too, which we at present are wholly Strangers to." The Carolinas were, in his estimation, "as convenient for Trade as any of the Plantations in America," containing a variety of natural resources, including deerskins and furs.[71] When Thomas Walker surveyed Kentucky in 1749, his party killed some "13 Buffaloes, 8 Elks, 53 Bears, 20 Deer, 4 Wild Geese, about 150 Turkeys, besides small Game." Indeed, Walker asserted, "we might have killed three times as much meat if we had wanted it." Christopher Gist similarly described the Ohio country in 1751 as abounding "with Turkeys, Deer, Elks, and most sorts of Game, particularly Buffaloes." The land, he predicted, "wants of nothing but Cultivation to make it a most delightfull Country."[72] At the end of the eighteenth century, William Bartram found East and West Florida replete with "such a plenty and variety of supplies for the nourishment of varieties of animals." The richness of the faunal environment led him to declare "that no part of the globe so abounds with wild game or creatures fit for the food of man."[73]

As subsequent generations of explorers, soldiers, traders, and travelers extended American colonization west of the Mississippi River, old stories of animal plenty rematerialized in new settings.[74] Describing their first encounters with the wild creatures of the Great Plains, Rocky Mountains, and the Pacific West, nineteenth-century writers continued to imagine the possibilities such animal wealth might bring to settlers. Meriwether Lewis and William Clark, instructed by President Thomas Jefferson to observe "the animals of the country generally, & especially those not known in the U.S.," provided some of the first empirical evidence of the West's faunal environment.[75] They identified new and unusual species, including the pronghorn, the grizzly bear, the barking squirrel, and the Great Plains gray wolf, and sent a wealth of animal specimens back east.[76] In their journals, the explorers sounded a familiar note, commenting on the vast numbers and variety of animals they encountered.[77] Henry Brackenridge compared eastern and western environments, asserting in 1811 that "wild animals which exist in numbers almost incredible" made the Missouri River Valley "what the Ohio



The Beasts of Carolina. John Lawson's *A New Voyage to Carolina* depicted buffalo, bears, raccoons, opossums, and deer as some of the region's characteristic creatures (London, 1709). Image courtesy of North Carolina Collection, Wilson Special Collections Library, UNC–Chapel Hill.

was once, THE PARADISE OF HUNTERS."[78] On the southern plains, Stephen H. Long conjectured, on the basis of the "astonishing number and good condition of the herbivorous animals of this region," that the land would be of potential value to settlers "for the purposes of pasturage."[79] Whenever colonizers extended their gaze westward, they saw more wild creatures, and that augured well for future settlement.

From the outset, English colonizers pointed to the variety of wild animals as proof of a rich American landscape ripe for colonization. These visions of plenty contrasted with an English environmental context in which

animals were mainly domesticated, eradicated, or owned. Few truly wild animals of use remained. British North America, teeming with faunal riches and wanting for use, stood in stark contrast to those impoverished isles. Anglo-American writers from the sixteenth century to the nineteenth thus envisioned indigenous animals as playing a multitude of roles in the colonial story: as sustenance for settlers, as supplies for exploration, as sources of profit, as domesticated livestock, and, above all, as evidence of a fruitful environment that could support English settlement. Although colonial adventurers were initially preoccupied with profit and trade, animals did not always rank high on their list of commercially valuable items. Rather, English writers primarily imagined wild animals as resources for future colonists who would venture across the Atlantic to occupy and possess these American lands of fabled abundance.[80]

Advertising Animals to English Colonists

When John Smith's *A Description of New England* was first published in 1616, it was prefaced with a number of lyrical tributes to the captain's discoveries, including one from the poet and satirist George Wither. Celebrating Smith's explorations, Wither predicted that, with English possession, the American "garden" could easily be made to produce untold natural wealth:

> For we would deign to spare, though t'were no more
> That which o'erfills and surfeits us in store,
> To order Nature's fruitfulness a while
> In that rude garden, you New England style;
> With present good there's hope in after days,
> Thence to repair what time and pride decays
> In this rich kingdom. And the spacious West
> Being still more with English blood possessed.[81]

Smith's account of New England's natural riches provided support for Wither's point of view. New England's environment offered "wealth sufficient," while demanding little effort from the colonists planted there, Smith maintained. "Heere," he wrote, "nature and liberty affords us that freely, which in *England* we want, or it costeth deareley." From the forests of New England, beavers, otters, martens, and black foxes could be harvested, whose furs would bring profits, especially "if the trade of the French were prevented." From New England's waters, enough fish could be found so that every "man, woman, and childe" could kill hundreds of cod in one day,

which, when dressed and dried, would bring between ten and twenty shillings per hundred. "May not the servant, the master, and merchant," Smith asked, "be well content with this gaine?"[82]

Although the captain conceded that only the promise of monetary gain would move Englishmen to abandon familiar environs for the unknown, he did not limit his descriptions of American animals to those that could bring profits. Smith imagined that potential colonists would be induced to settle in New England by the wealth of freely available indigenous creatures. Adventurers with enough "sense, strength, and health" could provision two or three hundred men with "as good corne, fish, and flesh, as the earth hath of those kindes, and yet make that labour but their pleasure." Myriad species in the water, in the air, and on land could be the objects of settlers' recreation. Most importantly, this "incredible abundance," continued to increase year by year "for want of use." Whether as provisions, as sustenance, or as the object of sport, New England's animal abundance, according to Smith, offered English colonists a materially different life, a promise of a competency far better than what they could expect at home.[83]

Smith's effusive depiction of New England's animal wealth, and of the advantages that wealth could bring settlers, exemplified a second distinctive trait of English colonial texts. Commentators quickly shifted from their first-encounter narratives to promotion, a particularly English literary genre, in order to attract investors and, especially, settlers to American colonizing projects.[84] Tales of animal plenty took an advertising turn as colonial promoters encouraged settlement in a succession of unfamiliar American environments from the Atlantic coast to the Pacific shore. Over time, with greater environmental experience—and a larger cast of observers and writers—came greater predictions of how indigenous species could be made to serve settlers. Most significantly, advocates of colonization began to link wild creatures, unused and unowned, to class-leveling notions of liberty on each new frontier. Colonizers believed that the lure of democratic access to America's natural resources would drive Anglo-American settlement and, therefore, Anglo-American possession westward. Wildness, in its animal forms, promised settlers independence.

Diverging from the earliest accounts, which had stressed potential, seventeenth-century depictions of the North American environment were explicitly designed to attract colonists and investors through effusive recitations of the land's natural assets, including wild creatures. English promoters of colonization advertised the profusion of wild animals as evidence

of a local ecology commodious enough for settlement. Yet they also suggested that colonists, confronted with a new environment, needed to rethink their relationships with animals in general. Here was a world without domestic livestock, where deer could be understood as equivalent to cattle. Writers suggested that the deerskins possessed and worn by Native Americans and the presence of deer herds around English settlements proved that colonists could use these resources to attain a competency, crafting household and local economies that would surpass what they could ever hope for in the worn-out environments of Europe. As seventeenth-century colonists interacted with American ecosystems and began to consume wild resources, commentators extended their earlier forecasts, insisting that the native creatures could be utilized in even more ways to support settlement. Taking a page from earlier accounts, colonial advertisers toted up long lists of creatures and their uses. Wild beasts could provide provisions for settlement and exploration, new breeds of domestic livestock, game for sport, medicinal cures, and commodities for sale, all of which contributed to recommending these lands to future settlers.[85]

Colonial promoters showed how American natural riches far surpassed those of England.[86] John Brereton's 1602 account reported that Nantucket Island was home to a "great store of Deere and other beasts, as appeared by their tracks," as well as "fowles in great plenty" over the entire island—proof that "the most fertil part of all England is (of it selfe) but barren" in comparison to the naturally rich American landscape. Henry Spelman's 1609 tract "Relation of Virginia" claimed that the country contained large numbers of "Deare, goates, Beares, Woulves, foxes, muske catts, Hares, fleinge squirells," and other mammals, as well as a "great store of foule" and "fish in aboundance." Mammals, fish, and birds existed, members of the Council of Virginia claimed, "in such abundance as are not in all the world to be equalled."[87]

English writers also identified individual species as superior to European types. One commentator described the wild turkeys of New England as "farre greater then our English Turkies, and exceeding fat, sweet, and fleshy." New England's forests included "severall sorts of Deere, some whereof bring three or foure young ones at once, which is not ordinarie in *England* . . . and a great Beast called a Molke [moose] as bigge as an Oxe." It was a "great pittie," promoters lamented, that such a rich landscape lay "altogether unoccupied, when so many honest Men and their Families in old *England* through the populousnesse there of, do make very hard shift to live one by the other." Who better to make "use of this fruitfull Land"?[88]

In their attempts to sell an unfamiliar and largely unknown environment, colonial promoters were quick to reassure potential immigrants that they had little to fear from its numerous wild beasts. Even in sixteenth-century descriptions of New England and Virginia, writers tended to dismiss the idea that animals there were dangerous, so as not to discourage colonists. Parkhurst, though he confessed that the bears of the northern Atlantic coast were bold, insisted that they "assuredly would not hurt any bodie unlesse they be forced."[89] Harriot concurred, writing that the bears in Virginia commonly ran away "as soone as they have spiall of a man."[90] Critical observers tempered the praise they heaped upon the North American environment with cautionary tidbits about less desirable members of the wild community. A listing of New England's commodities in a 1630 promotional tract was followed by an enumeration of noxious creatures, including mosquitoes and "Snakes and Serpents of strange colours and huge greatnesse." Snakes, frogs, flies, and wolves represented "the worst of the country," according to Wood.[91]

Casting the American landscape in its best light, English texts downplayed any risks to colonists from forest-dwelling beasts, characterizing the fauna as benign. Wood insisted that wolves were "the greatest inconveniency the country hath, both for matter of damage to private men in particular, and the whole country in general," even though no wolf had "ever set upon a man or woman." Horses and cows were equally safe, with only goats, swine, and calves falling victim to wolves' depredations.[92] And even though Smith conceded that New England appeared, at first, as "a Countrie rather to affright, then delight one," the seemingly "barren Iles" were nonetheless amply furnished with "fruits, fish, and foule." The presence of so many wild creatures, useful or not, indicated to Smith that America's "interior parts may well . . . be verie fertile" and, therefore, more than fit for human habitation.[93] In all, the country's "discommodities," promoters assured readers, were minor nuisances at most.[94]

Seventeenth- and eighteenth-century English colonizers remained keenly interested in animal commodities, but they presumed that trade would be carried out in association with Native Americans. The transatlantic fur trade that developed in the seventeenth century was, in the minds of colonists, merely an alteration of preexisting Indian economic relations, since furs were already exchanged among the native inhabitants. A 1602 account of the "discovery" of the northern part of Virginia described English explorers' first commercial contacts with Native Americans. The Indians of-

fered furs of "Beavers, Luzernes, Marterns, Otters, Wild-cat skinnes . . . Deere skinnes very large, Seale skinnes, and other beasts skinnes to us unknowen," Brereton recalled. In New England, Wood noted the changes English colonizing brought to the native economies. Native Americans had always hunted "after wolves and wildcats, raccoons, otters, beavers, musquashes," but after the colonists' arrival, the Indians traded "both their skins and flesh to the English."[95]

In the seventeenth century, colonial promoters began to use depictions of abundant food to appeal to the lower classes at home, who struggled to fill their larders. In a world of natural abundance, class differences would become, if not meaningless, then less decisive in people's day-to-day survival. Smith insisted that, no matter one's station in life—whether "the servant, the master, [or] marchant"—a man needed only to work three days of the week to "get more then hee [could] spend" of the abundant fish found in New England. The "Carpenter, Mason, Gardiner, Taylor, Smith, Sailor, Forger, or what other" could acquire through this "pretty recreation" all the food necessary to sustain life. Colonists could then sell or exchange excess fish "with the fisher men, or marchants, for anything they want."[96]

Colonizers argued that diligent agriculture, along with "the plentifull fishing there, and the store of fowles and fruites of the earth," provided ample provisions for settlement. Indeed, wrote John Hammond, it was obvious "that diet cannot be scarce," in the Chesapeake, "since both rivers and woods affords it." Venison, a sought-after food item in England, figured prominently in advertisements for the southern colonies. Writers depicted households where venison was served as often as bread, demonstrating how, in America, commoners could enjoy what was the fare of the gentry at home. Carolina's deer and wild turkeys, claimed Robert Horne in 1666, even had a "more pleasant taste" than those found in England. Wild creatures guaranteed democratic access to a means of producing economic necessaries, as well as culinary luxuries. As a result, the colonial social structure would be less stratified than that in England. Even the poorest would be able to secure a comfortable subsistence.[97]

Promoters also suggested that American animal abundance would allow colonists to enjoy other privileges previously reserved for the upper classes. Everyone could hunt and fish as leisurely pursuits—a stark contrast from England, where recreational hunting was largely restricted to those with property and social standing. According to Smith, New England's fishing offered "pretty sport" and sustenance, as well as trade, to all. Gentlemen

journeying to the new colonies would also find enjoyment in fowling. Smith painted a picture of "woods, lakes, and rivers" that afforded "not only chase sufficient, for any that delights in that kinde of toyle, or pleasure; but such beasts to hunt." Wild creatures of the forest offered up "the delicacy of their bodies for food," as well as skins "so rich, that they may well recompense thy dayly labor with a Captains pay."[98] Smith's predictions played out in Pennsylvania, where, as Gabriel Thomas noted near the end of the seventeenth century, settlers found "curious diversion in Hunting, Fishing, and Fowling, especially upon that Great and Famous River Suskahanah." Several kinds of wild beasts, "of great Profit and good Food," were readily available, he claimed, including deer that were "most delicious, far exceeding that in Europe, in the Opinion of most that are Nice and Curious people."[99]

Eighteenth-century advertisers of westering Anglo-American settlements had two centuries of colonial writings upon which to draw—writings that had transformed abundant wild creatures into a trope of colonial promotion. By this time, the advantages these animals presented to colonizers had already been well rehearsed in promotional tracts and acted upon in the earliest Anglo-American settlements. As eighteenth-century commentators wrote about new regions and new frontiers, they could more confidently assert that wild animals would sustain settlers as they moved westward to occupy and possess the land. Colonizers persisted in imagining a variety of uses for indigenous animals over the century—as sources of sustenance, profit, and pleasure—but always as an important part of a colonial agenda concerned primarily with settlement as a mechanism of possession.

Early in the century, natural historians John Lawson and John Brickell counted access to fish, wildfowl, and venison among the primary benefits possessed by North Carolina's planters. Indeed, the "moderate Industry" required to obtain "all Necessaries convenient for life" meant that there were "no Beggars or Vagabonds to be met with Strowling from place to place," as was all too common in England. Planters exported "great Quantities" of deerskins to England and other places, making it "one of the best Commodities *North Carolina* affords." Even settlers "with a small Beginning," claimed Lawson, became rich in short order.[100] On Virginia's frontier, Robert Beverley reported, the hunting of "bears, panthers, wild cats, elks, [and] buffaloes" all offered "pleasure as well as profit to the sportsman."[101] George Milligen-Johnston reiterated Beverley's observations in 1770, noting that South Carolina's wild fowl, rabbits, raccoons, opossums, and deer provided "healthy Exercise, and a very entertaining Diversion" for planters there. Further west,

across the Appalachians, John Filson expected that wild bison would supply Kentuckians with meat as well as hides for leather.[102]

After the Revolution, American commentators lured settlers westward to newly acquired territories—and to territories expansionist politicians hoped to acquire—with advertisements that mixed equal doses of scientific reporting and promotional hyperbole. Gilbert Imlay's *Topographical Description of the Western Territory of North America,* first published in 1792, provided an empirical accounting of trans-Appalachian natural history alongside paeans to Kentucky's environmental bounty. On this western frontier—where Imlay hoped to make a profit from various, and sometimes shady, land deals—adventurous colonists could "enjoy the sports of wild animals, which here rove unconcerned lords of the field. Heavens! what charms there are in liberty!"[103] Five years earlier, clergyman, congressman, and land speculator Manasseh Cutler found the Northwest Territory's faunal environment unparalleled. Across the landscape roamed great numbers of animals that exceeded "any part of the old settlements in America."[104] Lands west of the Mississippi, claimed another late eighteenth-century author, "exceed[ed] even romantic description." Here was a country "adorned by nature . . . in the most liberal manner," rendering it "a perfect Paradise."[105]

Accounts from explorers and travelers mingled with an expanding corpus of speculator-produced promotional literature in the nineteenth century to detail the ways in which incredible numbers of wild animals could be utilized to support American colonization of the West. Zebulon Pike's 1806–7 exploration of the Southwest turned up such large herds of buffalo, elk, and antelope that the expedition's chronicler had "no doubt but one hunter could support 200 men."[106] These southwestern regions, wrote Henry Ker in 1816, afforded "rich pasture to the deer and buffalo, which may be seen in droves" though "still they [were] very wild." Ker complained that much of this "fine tract of country," inhabited by Indians and claimed by the Spanish, was not "fostered by an industrious hand." Ker condemned both, writing, "We have to regret that a set of arbitrary beings have possession of a land which might be of much worth to a civilized people."[107] Other writers explained how the western plains bison was proving to be "by far the most important animal of the Prairies to the traveler," while American merchants valued the massive creature for the sleigh robes, meat, tallow, powder horns, hats, and stockings it provided.[108] Nineteenth-century advice manuals reassured emigrants that they had little to fear from the western wilderness, despite the prevalence of wild beasts. "Even the most timid need not delay,"

one tract insisted, since wild animals such as bears and wolves were entirely shy and harmless.[109]

Indigenous animals, however, represented more than just material bounty in the colonial imagination. Writers imbued the frontier with the traits of the creatures inhabiting it. Wild animals were *free* in the economic sense of being unowned, as well as in the physical sense of being unrestrained. English promoters before the Revolution stressed the first characteristic, suggesting that the free taking of animal wealth presaged a more egalitarian social structure in America, where anyone "with a small Beginning" and "moderate Industry" could become rich.[110] After the Revolution, the animals' physical freedom resonated more strongly as a theme in colonial texts, as the Rev. Timothy Flint suggested in 1826. "Very few," he wrote, "emigrate simply to find better and cheaper lands." It was, instead, "the notion of new and more beautiful woods and streams, of a milder climate, deer, fish, fowl, game, and all those delightful images of enjoyment, that so readily associate with the idea of the wild and boundless license of new regions." This "influence of imagination," along with the "infinity of advertisements," Flint conjectured, had "no inconsiderable agency in producing emigration."[111] That was the message promoters wished to send. Colonizers constructed their images of wild beasts out of developing notions of both wildness and freedom, and extended those ideas as a promise to frontier settlers. In this way, wild animals marked the Anglo-American frontier as a locus of liberty.[112]

Putting Wild Animals and Wild People in Order

Yet the promise of liberty could remain unfulfilled. Reverend Flint cautioned emigrants against "the restless hope of finding in a new country . . . something we crave but have not." Settlers would discover, Flint continued, that the same old realities governed their existence in their new abodes and that "hunting, though game be plenty," was "a laborious and unproductive business."[113] Other commentators proffered even more critical appraisals of an Anglo-American colonizing frontier where wildness seemed to hold sway. J. Hector St. John de Crèvecoeur made plain the connection between environment and frontier sociology in his *Letters from an American Farmer* (1782). The backwoodsman's actions, Crèvecoeur wrote, were "regulated by the wildness of the neighbourhood." The forest and its wild beasts transformed settlers into hunters. Abandoning agriculture for the chase, they degenerated into idleness, licentiousness, and lawlessness, "a mongrel breed, half-civilized, half-savage."[114] According to Lewis Brantz, Kentucky's remote

wilderness attracted "the American who was devoted to liberty, or, at least, to a life without the stringent restraint of law."[115] To many it seemed that wild-animal abundance, and "the boundless license" it inspired, did not guarantee a decent life, a virtuous society, or even the fixed settlements that secured Anglo-American claims of possession.[116]

For other observers, however, the more troubling trend was the opposite: the loss of wildness as evidenced by the rapid disappearance of indigenous animals. Visions of animal abundance continued to appear in promotional accounts and travelers' narratives, yet even by the late seventeenth century, colonial commentators had already begun to acknowledge the negative influences human actions had on wild-animal distributions and populations. Although many explained these changes as necessary consequences of settlement, growing concerns surfaced in the eighteenth century that the long-extolled and unique animal richness of the American environment—the animal wealth that, in no small part, had spurred colonizing efforts—might not be inexhaustible. Still convinced that indigenous animals could be made to serve the ends of colonization, provided they were not recklessly sported away or allowed to uproot settlers, Anglo-American authorities sought to put the faunal environment in order. They produced a scientific and legal discourse confident in its ability to channel human-animal interactions in a rational manner. The effort to impose a new environmental order that could reconcile wildness and control gradually emerged as a final common factor in the English colonizing formula.[117]

At the outset, English colonizers' environmental experience, scientific natural history, and legal culture told them that human intervention and alteration of ecological relationships could produce predictable results. Old World landscapes, especially English ones, had been modified, domesticated, and regulated for generations. A long history of plant and animal domestication, as well as the importation and eradication of some wild species and the legal redefinition of others, provided convincing evidence that people could manipulate natural communities at will. Wolves were eliminated from England by the early sixteenth century, along with the Eurasian beaver (*Castor fiber*). Brown bears, wild boars, and lynx had all disappeared earlier. The Tudor-era Vermin Acts codified and incentivized an intensive program of animal eradication, ostensibly designed to protect agricultural concerns, which decimated populations of "pest" species.[118] By the time English adventurers encountered the New World, the English faunal landscape had been substantially tamed and irrevocably changed.

English authorities went even further, reformulating the very concept of "wild" by identifying certain species, such as the introduced fallow deer and Canada goose, as "game," and assigning them unique cultural and legal statuses situated between wild and tame. Under English law, deer and rabbits ceased to be wild creatures and instead became, first, the property of the Crown, and, later, the private property of the owners of deer parks and rabbit warrens. To these experiments in ecological tampering, English men and women added the new science of natural history, with its penchant for empirical description and environmental classification.[119] In all, the Britons' history had shown that human action, increasingly legitimated by scientific knowledge and controlled by law, could substantially reshape the faunal environment to achieve specific ends. Significantly, experience with their island environments suggested that the effects of such "de-wilding" could be foreseen and managed. Those presumptions led promoters, natural historians, and lawmakers to think they could impose a similar kind of order on the American environment.

Even as they envisioned order, colonizers also realized that, in the American context, wildness was of particular import to their enterprises. Colonial writers had long advertised free and abundant indigenous creatures in order to promote settlement and to extend the reach of Anglo-American possession into the continent's interior. Consequently, the new ecological order authorities constructed would have to somehow leave space for wildness in a landscape of fixity. This project required serious imaginative work. American animals needed to be inventoried, their numbers, characteristics, and potential uses cataloged. Wild animals had to be fixed in specific places on the landscape—removed from some locales and increased in others. Above all, the relationships between humans and animals had to be regulated in ways that promoted order over disorder. English colonizers set out with great faith in their ability to impose a rational structure on the animal world, and, in the eighteenth century, that ordering process began in earnest.

Eighteenth-century efforts to order the faunal environment depended in no small part on the expanding world of Atlantic natural history. Of course, empirical testimony had been a staple of European writings on New World animals from the start, but as natural history broadened into an increasingly popular, transatlantic phenomenon, more and more writers wielded a new scientific authority to back their depictions of the nonhuman realm.[120] While the earliest accounts sought mainly to enumerate unfamiliar creatures,

later studies sought to sort American animals into some kind of rational order based on scientifically defined categories. Bemoaning the lack of data to accurately classify North American fauna in this way, Lawson complained early in the century that it was a "great Misfortune" that most Anglo-American travelers were "Persons of the meaner Sort, and generally of a very slender Education," who were "uncapable of giving any reasonable Account" of the natural world, even though "the Country abounds with Curiosities worthy a nice Observation."[121] Peter Kalm, an apostle of Linnaeus, dismissed American colonials as uncurious about flora and fauna, identifying the French as the preeminent natural historians. The Swedish naturalist insisted that most Anglo-Americans held the sciences "in universal contempt" and considered such study "the pastime of fools."[122]

Criticisms such as Kalm's provoked resentment among a growing cadre of colonial naturalists.[123] Even Kalm's English translator, John Reinhold Forster, disputed his dismissal of Anglo-American sources of scientific knowledge. In a long dissenting footnote written in 1770, Forster argued that the English in America had "contributed a great share towards promoting natural history, more than any nation under heaven, and certainly more than the French."[124] Situated in an environment that provided an ideal laboratory for the practice of their discipline, William Bartram, Benjamin Franklin, Cadwallader Colden, and Thomas Jefferson were among the eighteenth-century Americans who were "great promoters and investigators of nature."[125] Amateur naturalists—including a number of women—collected, cataloged, and exchanged information about deer, opossums, beaver, and other indigenous creatures in a transatlantic network of scientific correspondence.[126]

In the process, late eighteenth- and early nineteenth-century naturalists worked to transform local knowledge about animals into a conceptual order supported by scientific rationality. The historian Jeremy Belknap, for example, campaigned against using vernacular names for wild species, "adopted from the Indians." He argued that American appellations were poor sources of precise information about animals' essential characteristics. Like other eighteenth-century amateur natural historians, Belknap constructed his own catalog, "arranged in the order of Linnaeus," which included his personal observations of "the qualities of some of the animals, together with the manner of rendering them subservient to the purposes of human life, or of guarding ourselves against the noxious dispositions with which some of them are endowed."[127] Benjamin Smith Barton critiqued even the most prominent European naturalists for their imprecise depictions and classifications

of American animals. For the distinctly American opossum, Barton took it upon himself "to impose a new, and more determinate, name . . . *Woapink,*" as opposed to the one given by Linnaeus in his *Systema Naturae*.[128] Armed with new sources of environmental information, including their own observations and experiences, colonial naturalists began to speak about American animals with greater authority and a clearer vision of their proper places in nature.

Their observations suggested that colonization had altered the faunal environment, not always for the better. To naturalists, the most obvious effects of English colonizing were the increasingly noticeable reductions in wild-animal populations in and around settlements. Michael Collinson, in a 1774 letter to Colden, suggested that perhaps, "in a few Centuries hence," the black bear would become extinct, "notwithstanding the vastness and depth of N[orth] America." The same fate would befall "the poor beaver," he predicted.[129] Even casual observers noticed the changes. George Milligen-Johnston reported "plenty of wild turkeys . . . Geese, Ducks, Doves, Pigeons, Partridges, Hares, Rabbits, Raccoons, Possums . . . and Deer" in South Carolina but noticed that the buffalo were "not so near numerous as they were a few Years ago."[130] Older settlers told Kalm that edible birds and stags had been more common in the past and "that their decrease was visible." The cause of this was "not difficult to find," according to Kalm. Destruction of woodlands, hunting pressure, increasing human populations, and cultivation eliminated these animals or drove them away.[131]

In many cases, colonizers welcomed these environmental alterations as proof of their ability to reshape the animal landscape in ways that promoted settlement and legitimated possession. In the Carolinas, the naturalist Mark Catesby explained, "as the Inhabitants advance in their Settlements, Bears, *&c.* retreat further into the Woods" thus reducing the threat to domestic livestock.[132] In New Hampshire, Belknap observed that, although in years past bears had been seen in the maritime towns, they had become "extremely rare" later in the century.[133] Noxious beasts "decrease[d] in the old settlements," even on the western frontiers, as Harry Toulmin reported in 1793, allowing the sheep near Lexington, Kentucky, to "range unmolested."[134] Replacing wild predators with domestic livestock or even destroying entire species was well within the power of man, wrote Barton. Through careful observation, he concluded, it would be possible to determine which animals "are our friends, and which are our enemies; which deserve to be cherished and preserved, and which will be in our interest to banish or destroy."[135]

Replacing vermin, pests, and predators with domestic livestock improved the landscape in the Anglo-American vernacular. To colonizers, ecological tinkering of this sort, guided by scientific rationality, appeared a way to produce predictable changes that would make certain their possession of American lands.

What of those "animal friends" Barton and others wished to cherish and preserve? Promoters had long promised settlers free access to such valuable wild creatures in a land of natural plenty. As animal populations declined in the face of each colonizing wave, observers wondered anew whether their efforts could be characterized as unqualified "improvements" on the landscape. Late seventeenth-century colonial assemblies in Virginia, Connecticut, and Massachusetts raised early concerns about the great number of deer that had been "hunted and destroyed" at unseasonable times, when the animals were "very poor and big with young, the flesh and skin having little value."[136] Fearing that the "whole breed [was] likely to be destroyed in the inhabited parts of the colony" in the eighteenth century, Virginia's authorities warned inhabitants that, without some limits to the killing, they would "not only be deprived of that wholesome and agreeable food" but also "the trade in the article of skins."[137] Even in the earliest surveys of the pre-Revolutionary, western frontier, Thomas Walker found parts of Kentucky's faunal environment already degraded. A prominent salt lick had been "one of the best places for Game in these parts and would have been of much greater advantage to the Inhabitants than it has been if the Hunters had not killed the Buffaloes for diversion and the Elks and Deer for their skins."[138] Far from assuming that the disappearance of indigenous animals was the inevitable outcome of settlement, English colonizers imagined that, with the proper regulation, wild creatures could be made to be "of much greater advantage" to their projects, provided the animals were not wantonly or recklessly squandered before settlers even arrived on the scene.[139]

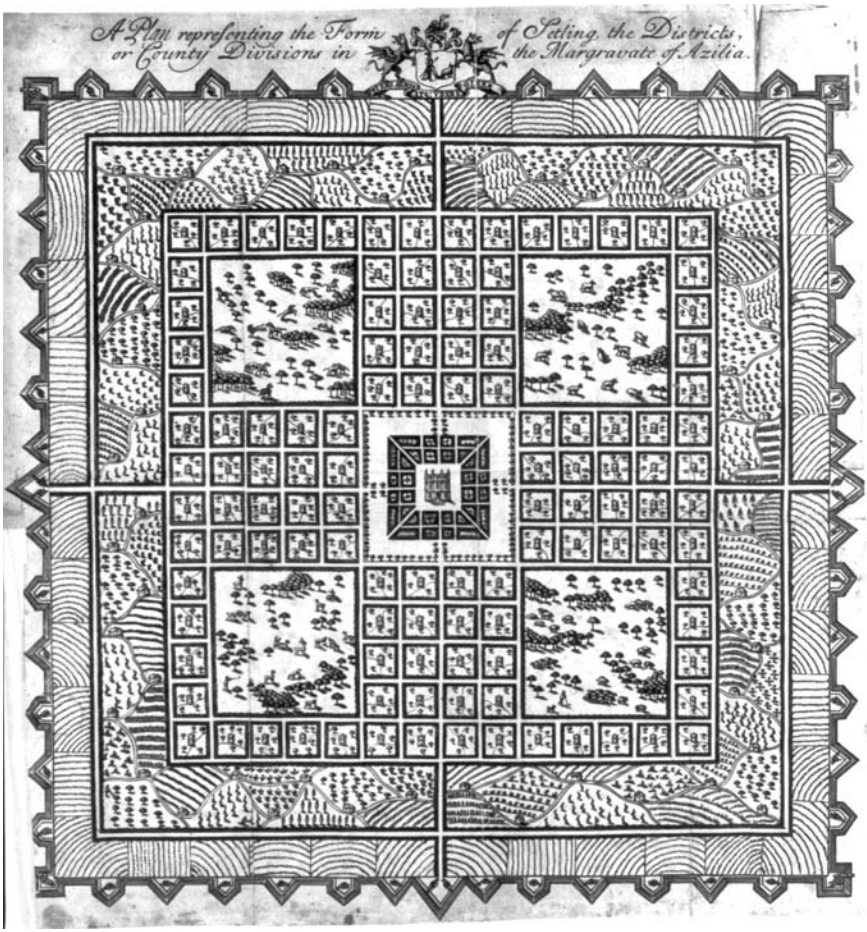
The disorder commentators detected had environmental and social dimensions. The wastage of indigenous creatures was one symptom of a broader dilemma that unsettled the wild animal frontier. Crèvecoeur called it the "ferocious" and "gloomy" unsociability of the backwoods hunter.[140] Others, less poetically, blamed "these Indolent, unsettled, roving Wretches" who refused to plant themselves properly, "rambling about instead of attending to their farms."[141] The Anglican itinerant Charles Woodmason condemned the Carolina frontier's "Horse Thieves, Cattle Stealers, Hog Stealers—Branders and Markers," as well as the many "Hunters going Naked as Indians," as

being "All in-a-manner useless to Society."[142] The liberty of the frontier, which was, in no small way, intertwined with the wildness of the animals there, could all too easily descend into a lawlessness that threatened Anglo-American possession and settlement. The South Carolina Regulators decried the "present disorder'd state" of the colony in the 1760s, charging that the many "Lawless and Idle People" roaming about rendered their backcountry properties insecure. "We should," their remonstrance declared, "chase them away as *Beasts of Prey*." Only when the land was "clear'd of such Vermin," could colonization projects proceed apace.[143]

To combat this disorder, however, Anglo-American authorities had to confront well-established notions of unfettered wild animal use. Indeed, many early colonial charters fulfilled the promises made in promotional tracts by guaranteeing colonists the liberty to hunt, fish, and fowl—rights that some state constitutions reiterated after the American Revolution. Democratic access to wild creatures served as a clear marker of American exceptionalism when set against a backdrop of British class-based privilege and restriction. Colonial advertisers emphasized this difference, especially as English game laws tightened in the eighteenth century. Gabriel Thomas reported that America's vast numbers of wild animals were "free and common to any person who can shoot or take them, without any lett, hindrance, or opposition of any kind."[144] Scottish immigrant Alexander Thomson likewise boasted to his relatives at home that, in the American colonies in 1773, there was "no disarming act or game law as with you." All men were "at full liberty to shoot all sort of game whenever they please."[145] To restrict that liberty would be to renege on a colonizing promise and, potentially, to discourage settlers from the work of occupying and possessing the land.[146]

Anglo-American authorities were less enamored than were colonial advertisers with a vision of the American environment as a place where all people were "at full liberty." While promoters continued to proffer North America's natural animal wealth as an inducement to migration, this language of American environmental rights and privileges was countered by a developing legal discourse appearing in statutes, petitions, and official correspondence that located the authority to regulate human-animal interactions in the laws passed by colonial and state governments. Hunting, fishing, and trapping could help to encourage migration, create pastoral landscapes, spur economic development, and secure Anglo-American possession of the continent, but exploiting British North America's animal wealth carried the seeds of its own undoing. As would become increasingly appar-

ent as the European invasion overtook North America, the pursuit of indigenous animals also encouraged mobility and a disregard for private property. Wild creatures helped to create a dynamic that threatened to undermine the stability of the social and ecological relations authorities erected. Law seemed to provide a way for colonizers to bring order to the wilderness and to ensure that animals would serve colonial ambitions. Wielding the language



Map of the Margravate of Azilia. Robert Montgomery's rational plan for a new colony in Georgia included herds of deer (*lower left*) contained within one of "four great parks or rather Forrests." From Robert Montgomery, "A discourse concerning . . . establishment of a new colony to the South of Carolina" (London, 1717). Photo courtesy of the Library of Congress.

of law, Anglo-American authorities believed they could colonize wild creatures. As we shall see, the continent's indigenous animal inhabitants and the humans who pursued them stood in the way of that agenda.[147]

In 1717, Sir Robert Montgomery conceived a plan for "a New Colony to the South of Carolina" to be located "in the Most Delightful Country of the Universe." Included in his proposal was his map of the "Margravate of Azilia," which was designed with Enlightenment-inspired rationality. The four-hundred-square-mile colony was partitioned with geometric precision. The governor's "palace" was situated in a center city, surrounded by the estates of the gentry. Along the outer edge of the colony lay farms that would be worked by commoners and indentured servants transported from England. The plan additionally called for "four great Parks or rather Forrests," each four miles square. In these enclosed parks, "Herds of Cattle of all Sorts," including deer, would be kept for colonists' sustenance and recreation. In fact, Montgomery claimed, "deer and other game" already fed "in droves along these forests," and he assumed that the wild creatures could be contained as easily as English livestock.[148]

In many ways, Montgomery's plan represented an attempt, albeit a failed one, to transplant an English social order to America. His margravate, with its feudal hierarchies, noble estates, and bounded deer parks, recalled Old World social patterns rather than New World innovations. But his prospectus also revealed English colonizers' presumptions about the ways in which the environment could be bent to their wills. Montgomery's colony was to be set in Georgia's marvelously rich landscape, where abundance did not require intensive effort. It only required Englishmen to arrange it into rational designs. In the English colonial imagination, indigenous creatures were important parts of those designs, representing the animate embodiment of American natural wealth. They were to be "creatures serving for the use of man." What Montgomery and other English colonizers vastly underestimated, though, was the wildness of American animals and the power that wildness would attain in the American imagination.

No Bullets Would Pierce Beaver Skins

Exiled in disgrace from his prominent family and East Anglian home, Nathaniel Bacon landed on his feet in Virginia. Within six months of his arrival in 1674, he was appointed to the Council of Virginia and received a license to trade with the Indians from his wife's kinsman, Gov. William Berkeley. Bacon also quickly acquired two substantial plantations: an estate called "Curles Neck," located about forty miles upriver from Jamestown, and another even farther up, near the Falls of the James. Just two years later Bacon's seemingly charmed colonial existence took a dramatic turn. Early in 1676, amid a wave of backcountry raids carried out by Susquehannocks and allied tribes, Indians killed one of Bacon's servants and an overseer, a man "whom He much Loved." Vowing to avenge their deaths, Bacon raised an extralegal militia of frontier farmers and set them against the native peoples living along the Virginia fall line, waging an indiscriminate war of extermination against the Susquehannock, Nanticoke (Doeg), Occaneechi, Pamunkey, and other local tribes.[1]

Governor Berkeley denounced Bacon, but his attempt to discipline the rebels failed. Bacon turned his army on colonial authorities in Jamestown during the summer of 1676 and, according to contemporary accounts, did "Inviron and Besiege the Governor and Assembly." Bacon then enjoined the colonial government to take aggressive action to secure colonists' frontier plantations.[2] The House of Burgesses was forced to accede to the Baconians' ultimatum. Under duress, legislators passed a number of acts, the first of which was to name Bacon general and commander of an army assembled to pursue a war "against the barbarous Indians."[3] As soon as Bacon left to prosecute his war, though, Berkeley again labeled him a traitor. In response, Bacon issued a declaration of grievances against Berkeley, which included

the charge that the governor had "wronged his Majesties Prerogative and Interest by assuming the monopoley of the Beaver Trade."[4] That monopoly was, Bacon claimed in his manifesto of July 1676, "the very foundation of all these disasters" that had befallen Virginia's colonists.[5]

This was not a simple matter of economic chicanery, according to the rebels. The workings of the Chesapeake beaver trade had become a matter of life and death for frontier settlers. Bacon and his followers accused Berkeley of allowing the illegal trade of English guns and ammunition to the Indians in exchange for furs. Indian invasions, murders, and thefts plagued outlying plantations, while Berkeley, "in that unjust gaine" had "Bartered and sould his Majesties Country and the lives of his Loyal Subjects to the Barbarous Heathen." Virginia's governor, the rebels declared, "protected favoured and Imboldened the Indians against his Majesties most Loyall subjects," in the pursuit of narrow self-interest.[6] What match were poor frontier settlers against eastern elites willing to conspire with "barborous Outlawes" simply for the profits to be made from animal pelts?[7] It was clear, as a popular refrain went, "That no Bullets woud pierce Bever Skins."[8]

The Baconians aimed their alliterative "bullets" and "beavers" jibe at colonial authorities who appeared to be abandoning English colonizing's central tenet: settlement legitimized possession. Planters like Bacon saw themselves as doing the real work of colonization. They had occupied the land, improved it, and turned it to productive uses. They had extended the line of English possession westward, into the Virginia backcountry beyond the initial settlements clustered on the Atlantic seaboard. Indian incursions threatened that work. Rather than defending the boundaries of colonists' possessions, the colonial government's actions seemed designed mainly to ensure an uninterrupted flow of profitable furs from the continent's interior to Jamestown. To backcountry planters, Berkeley's policies looked like guarantees of protection to Native Americans. Shielded behind the furs they traded to eastern elites, Indians were made immune to colonists' retaliations. Beavers were even greater weapons than were guns.

The story of Bacon's Rebellion is not usually told as an animal tale, but seen in the wider context of a developing transatlantic fur trade—as Bacon and his followers obviously did—it easily becomes one. The short-lived civil war was one dramatic episode in the longer working out of American animals' place in seventeenth-century English colonization. After nearly one hundred years of advertising the many ways in which abundant wild creatures would encourage English possession, colonizers had to decide which

animal uses were most beneficial to their goals. The Virginia uprising of 1676, as well as the long train of events leading up to it, exposed critical disagreements about the future course of English expansion and the roles wild animals should play in that process. At the heart of Bacon's Rebellion lay a contest between divergent approaches to empire, a contest that signaled fundamental incompatibilities between extractive colonialism and a settler society in Virginia.[9] In other words, the seventeenth-century Chesapeake fur trade, and the conflicts it provoked, revealed that beavers could not serve two colonial masters.

Competing colonial projects, shifting imperial rivalries, and contested territorial claims in seventeenth-century North America produced not one fur trade but many. Each developed differently. Each involved different players, spatial organizations, and rules, though all were ultimately limited by the same ecological demands that controlled beavers' lives. The various colonial fur trades also shared a common function as a mechanism intended for the extension of European dominion over North American land, resources, and people.[10] The degree to which the different beaver trades accomplished colonizers' goals, however, varied dramatically over time and place.[11]

In the seventeenth-century Chesapeake, English colonizers found their ambitious plans more often frustrated by a beaver trade that weakened the boundaries of their possessions. Colonial authorities, in their efforts to steer the flow of commodified furs obtained from Indians away from competing colonies and into their own, reluctantly allowed largely independent parties to set their own rules, to negotiate with allies and adversaries, and to govern their own movements. In the process, they made permeable the borders dividing English from Indian, property from wilderness. The extraction of animal resources from distant beaver countries required interaction and cooperation, not separation from native peoples. At the same time, just as Bacon's rebels charged, cooperation in the beaver trade also put into Indian hands powerful weapons that could be used to shift balances of power, extend spheres of influence, and resist English encroachments. The market in furs turned English colonies and individual colonists against each other in a short-sighted, frenzied, cut-throat competition for Indian trading partners and profits. Though the animal itself remained an abstraction for adventurers and traders who encountered mainly dead pelts rather than live creatures, the beaver nonetheless played key roles in the English colonizing process. Time and again, Chesapeake colonizers realized that without direct access to and control over wild animals themselves, the fur trade did more

to undermine English possession and orderly settlement than it did to support it.

The Country of Castorie

Well before the English arrived, beavers had already claimed enormous territories for themselves. When Europeans first appeared on the scene, between 60 and 400 million North American beavers (*Castor canadensis*) were occupying a vast "country of Castorie" stretching from subarctic northern Canada and Alaska to northern Mexico. Highly adaptable, this largest of the North American rodents is able to colonize almost any aquatic environment. Though they prefer lakes, ponds, and slow-moving streams as habitats, beavers can modify less favorable environments, such as bogs, bottomlands, and marshes, to suit their needs. They substantially alter their surroundings by erecting dams to create the ponds in which they build their residence lodges. The animals also construct canals and bank trails called "slides" to move building materials and food from land to water more easily. Though they are strong and agile as swimmers and divers, beavers are slow movers on shore. Consequently, they tend to avoid terrestrial travel as much as possible to minimize their predation risk. Beaver colonies—extended family units made up of a mated pair, their yearlings, and two to four kits—use their watery environments, both natural and constructed, for protection from wolves, coyotes, and other predators. The beaver's ability to reshape its environment for defensive, productive, and reproductive purposes has led biologists to label the creature an "ecosystem engineer." It is perhaps the species' best-known and unique characteristic.[12]

Early colonial commentators considered the beaver's unusual building propensities remarkable. Ingenious as crafters of dams and elaborate, multistoried lodges, beavers seemed to belong to a higher order of beings. Writers emphasized the beaver's "wisdom and understanding," which made "him come nigh to a reasonable creature."[13] William Byrd attributed the beaver's habits and talents for self-preservation to its high degree of "instinct, that Half-Brother of Reason."[14] Others went further toward anthropomorphism, suggesting that beavers were "incorporated in a regular form of government, something like a monarchy."[15] Native American informants claimed that beavers "form[ed] a separate nation."[16] Beaver colonies organized themselves hierarchically, the English naturalist John Brickell explained, with each individual knowing "his proper Business and Station." Beaver "overseers" were responsible for disciplining idlers. While at work, wrote

The Cataract of NIAGARA. some make this water-Fall to be half a League while others reckon it no more than a hundred Fathom.
A View of ye Industry of ye Beavers of Canada in making Dams to stop ye Course of a Rivulet. in order to form a great Lake, about wch they build their Habitations. To Effect this: they fell large Trees with their Teeth, in such a manner as to make them come Cross ye Rivulet, to lay ye foundation of ye Dam: they make Mortar, work up, and finish ye whole with great order and wonderfull Dexterity.
The Beavers have two Doors to their Lodges, one to the Water and the other to the Land side. According to ye French Accounts.
Explanation
A Draught of ye Town and Harbour of

A view of ye industry of ye beavers of Canada. Herman Moll's early eighteenth-century map of British North America included this vignette of almost human-like beaver societies. Herman Moll, Thomas Bowles, and John Bowles, *A new and exact map of the dominions of the King of Great Britain on ye continent of North America, containing Newfoundland, New Scotland, New England, New York, New Jersey, Pensilvania, Maryland, Virginia and Carolina* (London, 1715–1732). Photo courtesy of the Library of Congress Geography and Map Division.

Brickell, "they have such a Jargon amongst them . . . that one would imagine them Discoursing, or in a grand Debate about their Building."[17] Summing up the animal's humanlike qualities, the French royal commissioner to Canada, Claude-Charles Le Roy Bacqueville de La Potherie, wrote that the beaver possessed "the authority of an absolute master, the true character of a paterfamilias, and the genius of a clever architect."[18]

While Europeans found much to respect in beavers' orderly and industrious natures, their admiration did not prevent them from assigning the animal's body to practical uses. The beaver's flesh, particularly its broad, flat tail, was appreciated by French Catholics in North America, who conveniently classified it as a fish, "in the same class with Mackrel."[19] As such it could be eaten on meatless days. The animal's internal organs, bones, and blood were thought to have a variety of medicinal applications. Castoreum—an aromatic, urine-based excretion used by beavers to create "scent fences" between colonies and to waterproof their pelts—was especially valuable. Practitioners believed it effective for treating everything from headaches and epilepsy to deafness and hysteria.[20] The yellowish-brown, oily material, explained Byrd, came from a "Pair of Glands just within the Fundament" and smelled "as Sweet as Musk."[21] For that reason, perfumers also sought it. Some insisted that castoreum's strong odor could arouse human sexual desires. One seventeenth-century text advised any man who wished to "provoke a woman" to "sprinkle well upon his Glans with oyl, Musk or Civet, Castoreum or Cubeba."[22] Repackaged into castoreum, medicines, or meat, the beaver retained its unique, almost magical, essence.

Of the many products that could be derived from beavers, Europeans most coveted their pelts. The animal's luxurious, waterproof fur, with its dense, soft undercoat, was well suited to felting processes developed by European hatters.[23] North American beaver pelts quickly replaced those from the nearly extinct Eurasian beaver (*Castor fiber*) in shops making stylish beaver hats for the fashionable elite.[24] To satisfy a growing European demand for North American beaver, colonial traders and merchants acquired ever greater numbers of furs throughout the seventeenth century and into the eighteenth. Exports of Canadian furs to France grew from about thirty thousand pounds in the 1640s to over one hundred thousand pounds at the end of 1670s.[25] Nearly thirty-eight thousand skins came to New Amsterdam from the fur-trading community of Beverwijck (literally, "beaver district") in 1657.[26] Fur trading proved to be a lucrative business for early English colonies as well. In 1633 and 1634, Gov. William Bradford recorded single shipments of well over three thousand pounds of beaver pelts from Plymouth, amounts large enough to cause London market prices to drop temporarily.[27] William Pynchon's son John shipped nearly nine thousand skins worth over £5,500 from Massachusetts between 1652 and 1657. Virginia, though coming late to the beaver trade, was still managing to export about two thousand pelts annually by the end of the seventeenth century. Besides

beaver skins, colonizers found wild furs of all sorts—raccoon, marten, otter, muskrat, fox, and others—to be exceptionally profitable commodities.[28] Exploiting these valuable animal resources became a priority for Europeans seeking commercial gains from their colonial projects.

Adventurers most often saw beavers as dead pelts proffered in trade by indigenous peoples rather than as living creatures in the wild, and those first encounters predisposed colonizers to think of the animals primarily in commercial terms. Arriving at Cape Cod in 1602 with Bartholomew Gosnold's expedition, John Brereton accepted "a large Beaver skin" as a gift from Indians. He then quickly turned to trading for furs, including "Beavers, Luzernes, Marterns, Otters, Wild-cat skins very large and deepe Furre, blacke Foxes, Conie skinnes."[29] Henry Hudson tried to strike up a trade in 1610 with the "country people" on the Maine coast, who "brought many beaver skinnes and other fine furres," but the mariner could not provide the "red cassockes, knives, hatches, copper, kettles, trevits, beads, and other trifles" the Indians were already accustomed to receiving from the French.[30] To the south of Virginia, according to William Castell, was a repository of "all manner of provisions," including the "Merchantable Commodities" of "rich Furre, and Beavers good store."[31] And in New France, Marc Lescarbot noted the Native American practice of casting "some bundle of Bevers, other furres" at visitors' feet as a welcoming gesture.[32] Clearly, it took no trick of mental alchemy for Europeans to envision beavers as commodities. They just had to look down at the beaver pelts laid at their feet.

It only remained for Europeans to make Indian-produced skins merchantable by redirecting the flow of wild furs from Native American economies into transatlantic networks of exchange. Making contacts with Indian hunters and traders became the first order of business. Gosnold's crew cut short their 1602 explorations once they "had taken in so much Sassafras, Cedar, Furres, Skinnes, and other commodities" from the coastal Indians that they decided to return to England to reap their profits rather than remain to set up a more permanent post.[33] At midcentury, many saw the Indian beaver trade as the main attractant for migrants to New Netherland and as the "best subsistence" for New Englanders.[34] In 1681, Carolina's proprietors directed surveyors "to establish a beaver trade with the Indians" as soon as possible and to "endeavour with all [their] skill" to restrain the trade to the colony's proprietors alone.[35] Colonizers courted indigenous trading partners, seeking to reorient Native American environmental and economic relations in ways that would serve their extractive ambitions.[36]

Colonists, unversed in beaver habits and unfamiliar with beaver haunts, presumed that Indians would continue to do the transformative work of turning the creatures into marketable furs. Luckily, Native Americans seemed especially adept at the task. Beavers were far too cunning and wise, argued William Wood, to ever be captured by English hunters. "All the beaver which the English have comes first from the Indians whose time and experiences fit them for that employment," he wrote in 1634.[37] Few animals were "taken by white men," agreed the naturalist Mark Catesby nearly one hundred years later. Beaver trapping was, instead, "the more general employment of *Indians,* who as they have a sharper sight, hear better, and are endowed with an Instinct approaching that of beasts, are so much the better enabled to circumvent the subtleties of these wary creatures."[38] Though the beaver's cunning ways often worked to "beguileth the hunter," Indians developed effective stalking methods and ingenious traps to defeat the animal's subterfuges.[39] European observers thus recognized that hunting expertise gave indigenous peoples power over beaver-hunting territories and the creatures they contained—a power colonizers had to accept if they wanted to profit from furry wild things. Indians were also responsible for producing the *castor gras,* or coat beaver, that European merchants preferred. Indian winter coats, composed of stitched-together pelts worn fur side in, lost the coarse outer guard hairs that had to be removed prior to felting. Contact with human skin over months of wear also broke down the keratin covering on the downy undercoat, making the matted, sweaty beaver wool denser and easier to felt than the unworn, dried beaver skins called *castor sec,* or parchment beaver. Coat beaver produced a better, more durable felt and therefore brought a higher price when sold to European hatters.[40] Explaining the process in 1640, Adriaen van der Donck noted that it was only when the Indians' beaver robes had deteriorated to the point of being "apparently useless," that the pelts became especially valuable, "for unless the beaver has been worn and is greasy and dirty, it will not felt properly."[41] Coats worn from fifteen to eighteen months were said to be the best, and Indians quickly discovered that the Europeans coveted them. Father Pierre François Xavier de Charlevoix wondered at the imprudence of early French traders who "let the Indians know what a valuable commodity their old cloaths were."[42]

Native Americans had furs, and Europeans wanted them. The equation seemed simple enough, but extracting these commodities from beaver country was a project fraught with complications. The new transatlantic trade

produced dramatic changes as European competition and trade goods altered the material base of Native American economies, gave some indigenous groups new weapons, and shifted balances of power between tribes.[43] For the Indians, the beaver did "everything perfectly well," as Montagnais hunters told Father Paul Le Jeune in 1633. "It makes kettles, hatchets, swords, knives, bread; and, in short, it makes everything." The comment, Le Jeune explained, was meant to disparage European traders who had "such a fondness for the skin of this animal" and would "fight to see who will give the most to these Barbarians, to get it."[44] The Narragansetts at Massachusetts Bay made the most of their favorable trading position by exchanging English manufactured goods for furs produced by more remote tribes. They earned "a double profit" by selling the items at higher rates, reported Wood, thus "making their neighbours' ignorance their enrichment."[45] Other tribes also took on the role of middlemen in the beaver trade, ferrying furs from the interior to colonial outposts and, in the process, controlling key conduits of exchange and communication with European colonizers.

With the value of their beaver pelts now measured in European merchandise, Indian hunters abandoned traditional restraints on animal harvests from nearby lakes, rivers, and streams. As the beaver hunt continued moving inland, the ecological changes became obvious even to European observers. Prior to the intrusion of French traders in Canada, recalled Father Charlevoix, Indians had made "no great havock" among the beaver; their "hunting had both its season and ceremonial fixed."[46] By the first half of the seventeenth century, however, beavers had been exterminated from much of the eastern Great Lakes, and the effects of overhunting in the western Great Lakes were becoming apparent in the mid-eighteenth century.[47] The beaver's slow reproductive rate, combined with increased Indian harvests, led to rapid, localized population declines. In the search for new, untapped beaver territories, Native American hunters and traders contended, often violently, with interior tribes over access to shrinking animal resources.[48] As colonists tried to maintain precarious fur-trading networks, they were drawn into Indian conflicts over which they had limited influence or control.[49]

Complicating the situation were the efforts of rival imperial powers, colonial proprietors, and joint stock companies to funnel ever more Indian-produced furs into their competing projects. French colonizers captured much of the valuable northern trade early on, leaving latecomers to chip away at the edges of the expanding French fur empire over the course of the

seventeenth century. John Smith discovered that the French had already extended their influence into New England by the time he arrived in 1614. Though he hoped to make a fortune in furs, he found few Indians willing to trade for his inferior English goods, the tribes being "so near the French, who afford them better."[50] By midcentury, English colonizers were contending as well with Dutch and Swedish companies that sold wholesale arms and ammunition to Indians in a bidding war for furs—actions Englishmen condemned as "contrary to the Marine and admiral Laws of all Christians."[51] Appeals to Christian "laws," however, would do little to slow Europeans in their race to extract the most animal wealth from the American environment.

The French were, by far, the ablest competitors in this contest. Their early access to the interior, northern lake country, where beavers were plentiful and their pelts thicker, gave them a crucial head start. They turned their limited sixteenth-century coastal fur trade into a more serious extractive enterprise in 1608, with Champlain's founding of Quebec as a fur-trading center. From there, French influence expanded outward, not in a wave of settlements but in a network of religious and fur-trading outposts linked by extensive water routes to the permanent settlement at Quebec. Though French missionaries, traders, and officials in these remote regions often had to act independently from authorities in Quebec and Montreal, their colonizing project was an assertion of centralized, monarchical power over a vast North American commercial empire. French colonizing focused on trade and interaction with indigenous peoples, not conquest or displacement. The twin missions of Christianizing and commercializing that brought Jesuit priests and French factors into the heart of beaver country aligned French colonizers' interests, at least partially, with those of native peoples in the area. Where Catholicism faltered as a colonizing tool, the fur trade prevailed.[52] According to René-Robert Cavelier, Sieur de La Salle, the Jesuits "converted more iron into Beaver than the Fathers do Indians into Christians." By the end of the seventeenth century, it was obvious that the French truly possessed "the key of the country of Castorie."[53]

English colonizers, especially those in the northernmost settlements, acknowledged the French as their main rivals for the beaver trade. They watched with dismay as French influence spread widely through fur-trading networks and French trading activities penetrated the boundaries of English settlements. When the English took over New Netherland outposts on the Hudson in the 1660s, outgoing colonial governor Peter Stuyvesant warned of the threat from New France. He predicted that without a steady flow of

Holland's superior manufactured goods, "much esteemed by the Indyans," the colony's entire trade in beaver pelts, "the most desirable commodity for Europe," would be diverted to Canada.[54] The French trade in guns and furs unsettled the New England frontier in the 1670s, giving the Abenaki Indians weapons to wield against the encroaching English. The Abenaki were, according to one English informant in 1670, "the more insolent because they [had] guns." These they obtained from the French, "who will sell his eyes, they say for Beaver."[55] In the 1680s, colonial officials in New York sought to build forts on the Delaware and Susquehanna Rivers and another near Lake Ontario in order "to preserve the Beaver & Peltry Trade" and to secure "our right in the country" against the French, who made "a pretence as far as the Bay of Mexico." Those possession claims, New York governor Thomas Dongan insisted, were made possible only by the French advantages in the beaver trade and their "industry in making discoveries in the Country before us."[56] The paths through which furs traveled from the country of Castorie to colonial centers—and French missionaries, factors, and goods traveled back—did more to make French colonizers' claims of dominion real than did all the boundary lines drawn on English maps.

Although English officials such as Dongan tried to recover at least a part of the beaver trade, the particular characteristics of English colonizing in the seventeenth century proved for this purpose to be less effective than those of the French. Consolidated, insular colonies with decentralized structures of authority, plantations in British North America were manifestations of an English legal culture that equated possession with settlement, not trade. Though Englishmen were as hungry as their European rivals for fur-trading revenues, the development of multiple colonial beaver trades threatened to destabilize the foundations of English colonizing projects. In their efforts to wrest the beaver trade from their countrymen's competing operations, English traders did not hesitate to employ cutthroat methods, including the sale of alcohol, guns, and ammunition to Native Americans. That kind of unlawful trading, warned Massachusetts' colonial authorities in 1676, would open colonial settlements to Indian incursions and would "proove of dangerous consequence to the publicke weale."[57] The loss of Indian trading partners, however, could be just as detrimental to settlers. Governor Dongan challenged Pennsylvania's 1681 charter that allocated much of the Five Nations' territories, along with "the whole Beaver & Peltry trade of that Place," to the neighboring colony. The division would result in "the Depopulation of this Government," he predicted, "for the people must

follow the Trade."[58] In his view, New York's settlement would be undermined by shifting the legal boundaries of the beaver trade.

That trade represented more than just financial gain. The exchange of pelts and skins provided a way for colonizers to extend their reach into a vast hinterland, to make diplomatic alliances with native peoples, and to curtail the imperial pretensions of their rivals. The channels through which the beaver trade circulated were often the only arteries connecting early colonial outposts huddled on the Atlantic coast to the more distant parts of the vast territories to which competing European powers laid tenuous claims. As Europeans struggled to exploit the resources of an ever-changing beaver country, fur-trading networks transmitted, albeit imperfectly, their influences into unknown spaces. In short, the beaver served as a crucial political link between North American peripheries and colonial centers.[59]

Colonizers in seventeenth-century Virginia, however, had to measure the potential gains from an extractive beaver colonialism against the costs to English settlement. Coming late to a beaver trade that was moving away from them geographically and politically, Virginia's colonists had to contend with more intervening economic adversaries in order to take even a portion of the trade away from challengers in New France, New Netherland, New Sweden, and other English colonies. They had to cultivate Native American partnerships and find Indian middlemen to connect Chesapeake plantations to distant beaver-hunting territories to the north and west. In the process, Anglo-Virginians would have to relax their policies of domination and separation in favor of engagement and contact with indigenous peoples. They would have to open their borders to furs and to the traders who brought them. To make the beaver profitable, Chesapeake colonizers realized they would have to employ native intermediaries to extend their reach beyond the constrained boundaries of insular English settlements and into the country of Castorie.[60]

A Great Trade of Beaver

The Indian trade killed Henry Spelman. But it took a while. When he came to Virginia in 1609 at the age of fourteen, he walked into a struggling colony's turmoil. Young Spelman survived Jamestown's "starving time" and the settlers' bloody conflicts with the Powhatan Indians of Virginia's coastal plain. He watched as Indian women flayed and burned John Ratcliff at the stake. He witnessed the First Anglo-Powhatan War of 1609 and Samuel Argall's abduction of Pocahontas to force an end to that war. Through much

of this time, Spelman lived variously with the Powhatan and Patawomek Indians, learning the local Algonquin language in order to serve the colony as an interpreter. After four years with the Indians, Spelman returned to Jamestown, where he capitalized on his dramatic youthful experiences to become a skilled trader for corn, deerskins, and furs, much like other Indian adoptee-interpreters, such as Robert Poole and Thomas Savage.[61]

Spelman's role as a cultural intermediary ultimately led to trouble with colonial authorities. In 1619, about the same time Savage was beginning to trade for beaver and muskrat furs with the Accomac and the Accohannock Indians on the Eastern Shore, Spelman was called before the Virginia Assembly to answer for his misconduct. The council accused the trader of speaking "very unreverently and maliciously against" then-governor Samuel Argall to the Powhatan leader, Opechancanough. Denying the charges of treason leveled against him by Poole (now a rival trader), Spelman would only admit to having "informed Opochancano that within a yeare there would come a Governor greater than this that nowe is in place." The assembly threatened Spelman with death for actions that "alienated the minde of Opochancano from this present Governour" and brought the "whole Colony in danger of [the Indians'] slippery designes." In the end, officials only censured the twenty-four-year-old, revoked his captain's title, and condemned him to seven years of service as the governor's interpreter. Spelman, though, showed no gratitude for the council's leniency. Upon hearing his sentence, he merely "muttered certain words to himself . . . shewing no remorse for his offenses." To Virginia authorities this was clear proof that the trader had a crossed a cultural line. Through long association with the Indians, Spelman had "in him more of the Savage than of the Christian."[62]

Spelman, Savage, and Poole were among the earliest English fur traders in the Chesapeake. Their language skills, knowledge of the land, and native contacts—gained through long cohabitation with the Indians—gave them special talents for cultivating new trading relationships that went beyond the limited local exchanges for corn, fish, and a few skins or furs which occurred during the colony's first decade.[63] Even these restrained economic relations exposed English plantations to violent resistance from the Powhatan Indians—so much so that Governor Argall outlawed all trading with "the perfidious Savages" in 1618. Within a few years, however, concern about expanding French and Dutch fur-trading operations goaded Virginia Company officials to quietly change course and encourage active pursuit of the beaver trade.[64] Despite the governor's prohibitions on Indian trading,

the company began to advertise for a broader range of furs in 1620, offering higher prices for pelts that could only be obtained from indigenous sources. In doing so, they opened the door to the disruptive influences and potential intrigues of Native American familiars such as Spelman.[65] Although colonial authorities viewed cultural go-betweens like Spelman, Poole, and Savage with suspicion, they had to accept the border crossings and often unregulated activities of these independent agents in order to profit from an Indian trade that outspread the boundaries of English settlement.[66]

Spelman did not stay in the governor's service for long. By 1623, he had reacquired his captain's title and secured private financial backing in England for a trading expedition farther up the Potomac River. Indians, either Patawomek or Nacotchtank (also called Anacostank), attacked the English party of twenty-six men, perhaps, as John Smith later conjectured, because Spelman "presumed too much upon his acquaintance amongst them, or they sought to be revenged of any for the slaughter made amongst them by the English so lately, or hee sought to betray them, or they him." Whatever the reasons, the Indians killed nineteen, including Spelman, whose severed head was thrown down the bank into the river after the retreating survivors.[67] Shocked by the violent episode, Governor Francis Wyatt pressed for a definitive separation between colonists and Indians. He insisted that "all trade with these Indians must be foreborne and without doubt we must cleere them or they us out of the country."[68] Virginia's settler society, like poor Spelman, could not survive the Indian trade.

Repeated, bloody confrontations with Indians in the first decades of English Virginia's existence convinced colonizers that interaction with their American neighbors often came at the expense of settlement. While economic relations with Native Americans were desirable and even necessary, trade weakened colonial boundaries. Dependence on a local trade left colonists vulnerable to Indian hostilities. To combat this disordering, Virginia's officials lurched toward a two-part policy of separation from coastal Algonquians and engagement with more distant tribes. In same year Spelman arrived from England, the Virginia Company instructed Governor Thomas Gates to "hold trade and freindeship" with only the tribes "farthest from you and enemies unto those amonge whom you dwell." An outpost for "trade and discovery" could be located near the Indian town of "Cataaneon" at the head of the Chesapeake Bay, company officials directed, where a good "store of copper and furs" had been found.[69] In short, colonial authorities wanted to keep trade with Native Americans at arm's length from

settlement. Though official policies wavered throughout the first half of the seventeenth century, colonizers returned, after each violent skirmish, to the conviction that English possessions required rigid boundaries to protect them from indigenous threats.

The beaver trade seemed the ideal vehicle for Virginia's bifurcated approach to Indian relations. The beavers' nature kept the Indian trade at a distance. The extensive commercial fur enterprise that developed in the Chesapeake exploited an increasingly remote animal resource and involved the participation of wide-ranging Indians from beyond the fall line. A regulated exchange of furs at isolated outposts, in theory, limited Indian-settler contacts, but colonizing the beaver was not quite as straightforward as it seemed. What Anglo-Virginians left undefined was the interface between this interior, extractive animal colonialism and their eastern settler society. Over the course of the mid-seventeenth century, the fur trade's changing geography produced a contested zone of interaction that became the Chesapeake's fur-trading frontier. On this frontier, the legalities of English colonizing were called into question. Key mechanisms of English possession—appropriation, spatial disciplines, settlement—lost their power to control in this new environment. To profit from distant furbearers, English colonizers had to be willing to exchange their vision of orderly dominion for the prospect of exerting some influence over the land and people of the frontier, if not over the beavers themselves. The particular evolution of the Chesapeake beaver trade and the conflicts it provoked would come to have significant, long-lasting effects not only on the course of English colonization in the Virginia backcountry but also on Anglo-American understandings of the frontier.[70]

Though the Chesapeake was far removed from the northern lakes and rivers that made up the beaver-rich "country of Castorie," the Council of Virginia reported in 1610 that the Virginia Tidewater was well stocked with an "exceeding store" of beavers, foxes, squirrels, and otters. The value of these "pretious furres" could only be calculated by merchants who knew "that many hundreth of thousands of pounds are yearly spent in Christendome in these commodities."[71] Despite the promotional hype, English Virginians did not rush to pursue a commercial trade in animal pelts. In part, this was a consequence of adventurers' quests for more valuable commodities, such as gold and silver.[72] The early introduction of tobacco in the Chesapeake also diverted attention away from a potential fur trade.[73] And a critical obstacle was presented by the Powhatan Indians, who quickly became skeptical

of English intentions and enraged by colonists' actions. Colonists coerced corn supplies from the natives, set up fortifications near Powhatan towns, raided Indian villages, and initiated alliances with rival tribes. The leader Powhatan protested, telling Smith in 1609 that "your coming hither is not for trade, but to invade my people, and possesse my Country."[74] Belligerency erupted into widespread violence in 1609 with the start of the First Anglo-Powhatan War, which ended inconclusively in 1614 in a military standoff capped by the marriage of Pocahontas and John Rolf.[75]

The truce between colonists and their Indian neighbors lasted less than ten years. Opechancanough, Powhatan's younger brother and successor, renewed hostilities in a series of coordinated morning attacks on March 22, 1622. Indians surprised Virginia planters in homes and fields scattered along 140 miles of the James River. It was a "barbarous massacre," wrote the Virginia Company's secretary Edward Waterhouse, "treacherously executed by the Native Infidels upon the English." Over three hundred English colonists "fell under the bloudy and barbarous hands of that perfidious and inhumane people, contrary to all lawes of God and men, of Nature & Nations." Opechancanough's men, "not being content with taking away life alone," dismembered the bodies, Waterhouse reported, thus "making as well as they could, a fresh murder, defacing, dragging, and mangling the dead carkasses into many pieces, and carrying some parts away in derision, with base and bruitish triumph."[76]

For Waterhouse, the attacks that launched the Second Anglo-Powhatan War were all the more reprehensible because they were carried out during a time of "firme peace and amitie." The friendship established after the First Anglo-Powhatan War had seemed to colonists so secure that "there was seldome or never a sword worne, and a Peece seldomer, except for a Deere or Fowle." In fact, the Indians were "always friendly entertained at the tables of the English" and "commonly lodged in their bedchambers," according to Waterhouse. On the day of the attacks, Indians appeared at English plantations, unarmed, with provisions and trade goods, including furs, to sell "for glasse, beades, and other trifles." In some places, they breakfasted at the planters' tables before killing the unsuspecting colonists with "their owne tooles and weapons." To the English settlers, such treachery revealed the Indians' "unnaturall bruitishnesse."[77] As a consequence, colonists were now freed of all restraints, Waterhouse concluded. The English could retaliate "by force, by surpize, [and] by famine" to take possession of the land and its commodities by conquest.[78]

The violence of the first two Anglo-Powhatan Wars underlined the weakness of English boundaries in the Chesapeake and pushed colonial officials toward erecting clear, inviolable borders between settlers and Native Americans. Three years before the 1622 uprising, the Virginia Assembly had presciently warned colonists about admitting Indians into their plantations "to doe service in killing of Deere, fishing, beating of Corne and other workes."[79] Reliance on the Powhatan Indians for foodstuffs and commodities left colonists vulnerable. Opechancanough's uprising proved that.[80] After the attacks, officials, seeking to put some distance between colonists and native peoples, floated proposals "to bringe the Indians into Subjection." Authorities, like Waterhouse, suggested that local Indians be driven away, their towns destroyed, and their cornfields appropriated. Others recommended the construction of fortified towns and a massive six-mile long, guarded palisade to separate English plantations and livestock from native lands.[81] Behind impenetrable barriers, colonists would take control of the corn production, fishing, and trading with the Eastern Shore Indians for "skynnes and Prisoners."[82] Colonizers' plans for "winning the forest" left little space for cooperation with the coastal Algonquian peoples.[83]

The Powhatan uprisings in the first half of the seventeenth century confirmed colonial officials' worst fears about unregulated English-Indian economic relations. Though crucial to colonists' survival, trade with Indians, including the exchange of furs, had to be tightly controlled and kept at a distance from English plantations. In the aftermath of the 1622 massacre, the Governor's Council took an aggressive approach to the Indian trade, directing William Eden to probe the various harbors and rivers beyond the Powhatan villages in order to "trade with the Natives" for badly needed provisions. This was hardly a diplomatic trade mission though. Company officials authorized Eden to acquire "Corne, furrs, or any other Comodities whatsoever" through "force or violence," if the situation warranted.[84] Yet centralized economic control proved elusive for the sorely tested Virginia Company. The trade in furs reflected the colony's weak administration. By the early 1620s, individual members of the Governor's Council dominated the Chesapeake fur market, usurping its profits.[85] Interpreter-traders such as Poole and Savage began to trade furs and skins for subsidiary joint stock companies while securing private commissions from prosperous council members at the same time.[86] In spite of prohibitions and regulations, a ragged and haphazard Tidewater Indian fur trade took shape and started to produce profits for some.

Virginia colonizers were beginning to look for more than a limited coastal fur trade when two gentlemen from Kent, William Claiborne and Henry Fleet, arrived on the scene in 1621. The Chesapeake Bay, with its great river arteries reaching westward into the wilderness and northward toward the lake country, offered an ideal location from which to operate, so long as commissions could be secured and the right Indian partnerships made. Claiborne and Fleet had influential contacts among the colony's authorities, including the first royal governor of Virginia, Francis Wyatt. Claiborne was appointed surveyor general and quickly became a councilor and then the colony's secretary of state. In that capacity, he co-authored "A Proposition Concerning the Winning of the Forest," the 1626 proposal for constructing a palisaded barrier to protect English plantations from the "savages."[87] Fleet was commissioned to accompany the troublemaker Spelman on his doomed Potomac trading expedition in 1623. Fleet survived the Indian attack but was held captive by the Nacotchtanks for nearly five years.[88] His friends in the Virginia government eventually ransomed him, and Fleet returned to London temporarily to peddle his intimate knowledge of the American environment and peoples to backers willing to finance Indian trading ventures.[89]

Fleet found a new batch of transatlantic joint-stock companies in London that filled the void left after the Virginia Company's collapse in 1624. Merchants eagerly sought out adventurous and independent English traders willing to find any way to redirect the northern and western beaver trade southward to the Chesapeake. These investors were less concerned with promoting settlement than with extracting the kinds of profits that the French were already reaping from their commercial empire to the north. Englishmen seeking their New World fortunes began to focus more exclusively on furs as the key to Indian commerce. By the end of the 1620s, some one hundred traders were plying Tidewater shores, competing for access to Indian-produced beaver skins. Fleet and Claiborne were better positioned than many to take on the challenge.[90]

London merchants became more enthusiastic about the beaver trade when the price of tobacco, the Chesapeake's main profit-producing crop, dropped in the 1630s. Fleet thus had little trouble finding moneymen in 1631 willing to underwrite a new expedition up the Potomac to find distant Indian suppliers. Upon his return to the bay, the aspiring trader sought out partners among the neighbors and enemies of his former captors, the Nacotchtanks. In the process, he was careful to avoid entanglements with the colonial gov-

ernment at Jamestown, "being not minded," Fleet explained in his journal, "to adventure my fortunes at the disposing of the Governor." Instead, he journeyed far upriver, promising at each village a great trade in English commodities the following spring if the Indians would preserve their beaver skins rather than burning them, as was their custom. Revisiting the towns the next year with Claiborne in tow, Fleet was dismayed to discover that, in his absence, another part-time trader, Charles Harman, had convinced the Indians that Fleet was dead and acquired all the furs from the villages up and down both sides of the river. Given that the Potomac River, "non-beaver" Indians had no use for the furs they collected, "being not accustomed to take pains to dress it and make coats of it," Harman had picked up a bargain in the process. Disappointed, Fleet began to despair of finding any remaining pelts among the Potomac River Indians.[91]

Pressing on to the great falls of the Potomac, Fleet entered once again into the territory of the Nacotchtanks. There he found the Indians wary, their suspicions raised by warnings that had preceded the Englishmen. Though the adventurers heard great tales of large Indian towns with "infinite store of beaver" among the Massawomeck and other groups farther on, Fleet was skeptical. A few days later, the Englishmen met up with a group of Iroquois who described the location of their lands to the north and their openness to trade, but they arrogantly dismissed the English trucking goods Fleet offered as substandard, being interested "not in toys but in useful commodities." The Iroquois, explained the frustrated English trader, "drive a trade in Cannida," some fifteen days' travel away, where they exchanged "their own beaver and what they get of those that do adjoin upon them." At long last, and far upriver, Fleet came upon a number of Indian houses, each with a store of beaver skins. After negotiation, he obtained four thousand pounds of furs. On his way back to the bay, the adventurer managed to convince the Massawomeck, who had migrated southward to take advantage of the developing Chesapeake trade; the Piscataway peoples; and indeed all the Indian villages on the lower reaches of the Potomac to save their beaver furs for him in the future, a feat that Fleet assured his investors would bring in some six to seven thousand weight of pelts. Colonial authorities in Jamestown, however, were less enthused about Fleet's actions and charged him, upon his return in the fall of 1632, with violating trade regulations.[92]

While Fleet was working out his fur-trading future, William Claiborne sought bigger profits on the Susquehanna River. Claiborne identified an island at the northern end of the Chesapeake Bay as a prime location for a

plantation and trading post that could eventually become the hub of a far-reaching fur-trading empire. Financed by some of the same investors who had backed Fleet's Potomac excursion, Claiborne turned more exclusively to the beaver trade after he was granted a 1627 commission by Gov. George Yeardley. That commission linked trade and settlement. Claiborne was directed to explore the "divers places and parts of this Kingdom of Virginia" so that "the bounds and limmitts of this planation may be farr augmented." Under his license from the colonial government, Claiborne was given the "full power and authority" to traverse any of the rivers that debouched into the Chesapeake Bay and to "trade and truck with the Indians for furrs, skinns, corne, or other commodities."[93] Of those many rivers, the mighty Susquehanna seemed the most promising. Its course running northward toward the lakes of western New York and its connections to canoe routes and trails that led to Lake Erie and the Ohio River meant that it could serve as a commodious highway flowing from the Chesapeake straight into the heart of beaver country.[94]

The Susquehannock people traversed that highway, hunting and trading throughout an expansive range that stretched from the Chesapeake and Delaware Bays to the Ohio Valley and Great Lakes. They had contacts in Huronia to the west and easy access from the Susquehanna to the great trading path that ran from New York to Carolina just beyond the outer margins of English settlement. Politically well organized and militarily powerful, the Susquehannock Indians exerted considerable control over the river and its adjoining territories.[95] English observers recognized Susquehannock power from the moment of their first encounters with the tribe. In the earliest English depiction, John Smith described the Susquehannocks he met in 1608 as "great and well proportioned men" who "seemed like Giants." Their voices deep and booming, they spoke an Iroquois language different from their Algonquin neighbors. Their dress also marked them as distinctive. The great hunters wore entire "skinnes of Beares and Woolves" and adorned themselves with the heads of animals strung on chains around their necks like jewels, according to Smith. They carried pipes "3 quarters of a yard long" that were "sufficient to beat out the braines of a man," along with bows, arrows, clubs, and other weapons "suitable to their greatnesse and conditions."[96] The imposing and aloof Susquehannocks commanded an extensive territory that placed them at a critical junction between western beaver-hunting grounds and the Atlantic coast.

Virginia. John Smith's 1624 map included an early depiction of the Susquehannocks (*upper right*), whom Smith described as "a giant-like people" (London, 1624). Photo courtesy of the Library of Congress Geography and Map Division.

Susquehannock dominance was still much in evidence when Claiborne surveyed the landscape in the late 1620s. He knew that any plans to establish a viable Chesapeake beaver trade had to involve the people of the Susquehanna watershed. Consequently, in 1629, Claiborne became the first Englishman since Smith to establish trading relations with the powerful polity. It was a shrewd move on Claiborne's part; an economic partnership with the wide-ranging and culturally Iroquoian Susquehannocks, who had been mostly ignored by French and Dutch traders working with rival tribes, promised connections to Huronia and the Iroquois League. The Susquehannock Indians were consummate border crossers, able to traverse changing political boundaries to hunt and trade.[97] Claiborne quickly moved to take advantage of the Susquehannocks' position and established, by many accounts, an effective trading relationship with the tribe. As one Claiborne supporter recalled, no other English trader in the 1630s "made soe good

voyages or gott soe much Beaver, with soe little Trucke and soe little supplies as the said Claborne."[98] Once Claiborne managed to set up his Kent Island plantation and trading post in 1631 (with Thomas Savage serving as the fort's Indian interpreter) and a second installation in 1637 about two miles upriver on Palmer Island, the ambitious Englishman was in position to monopolize the Chesapeake beaver trade.[99]

Initially, the prospects looked bright for Claiborne, but his Susquehannock-dominated fur-trading empire was threatened almost immediately by the 1632 chartering of the province of Maryland. Carved out of an ill-defined territory between Virginia and the 40th parallel, the proprietary colony was intended as a bar to Dutch expansion in the Delaware River valley. The king awarded the provincial proprietor, the second Lord Baltimore, Cecil Calvert, nearly two thirds of the Chesapeake Bay, a grant that encroached upon Virginia's borders and encompassed Claiborne's Kent Island plantation. Besides providing a haven for English Catholics, the Calverts were anxious to profit from their possession, and they pounced on the emerging Chesapeake beaver trade as an easily exploited source of revenue. Father Andrew White highlighted the trade's potential, especially in connection to Catholic missionizing projects, in his 1633 promotional *Relation of Maryland*. "Various and noble rivers," the Jesuit priest wrote, penetrated the province's hinterland, "where a trade with the Indians is so profitable that a certain merchant the last year, shipped beaver skins at a price of forty thousand pieces of gold." Investments in the trade were repaid "by a thirty-fold profit," he reported.[100] With fur production and exchange networks already established, Maryland's new owners needed only to funnel the returns into their coffers.

The province's first governor, Leonard Calvert, echoed White's observations on the beaver trade as he explored the region in 1634, aided by the persistent Henry Fleet. Although the expedition was disappointed in their efforts to acquire furs, since most had been "dealt for by those of Virginia" beforehand, Calvert was confident that the trade would quickly "prove very beneficiall" to Maryland. Capitalizing on Fleet's former connections with the Massawomecks, the new governor maintained that supplies of beaver pelts would be forthcoming so long as the Marylanders were provided with sufficient goods to truck with the Indians. Though the Virginians had previously exported some three thousand skins from the Chesapeake that year, they could no longer control the entire trade once Maryland's seating was accomplished. "Hereafter they shall come no more hence," Calvert vowed.[101]

Not surprisingly, Claiborne resisted Maryland pretensions to Kent Island and the beaver trade. Virginia's government upheld the trader's right to the island post and thereby his hold on the bay's fur trade, citing Claiborne's commissions and Maryland's charter, which granted Lord Baltimore only those lands that had not previously been settled. Claiborne's island possession, the Virginians pointed out, was more than a trading outpost; it was a growing settlement. The palisaded plantation on Kent Island included in 1634 a community gristmill and courthouse in addition to Claiborne's trading station. By 1638, there were some 120 settlers on the island, growing tobacco, grazing hogs, and building boats and barrels.[102] Claimed, planted, and settled, Kent Island was Claiborne's and Virginia's possession.

Those arguments, however, carried little weight with the Lord Proprietor. Abetted by Fleet, who had thrown in his lot with the new colony, Marylanders asserted their authority over the northern end of the bay and tried to undermine Claiborne's position with his Indian trading partners and his London financiers. Fleet spread rumors designed to shake Native American confidence in Claiborne and his Kent Island faction. Interlopers from Maryland, such as Capt. Thomas Cornwallis and his aide, Cuthbert Fenwick, invaded the rivers while engaging in running battles with the ships dispatched from Kent Island to stop them. Throughout 1634 and 1635, English traders confiscated furs from their competitors and charged each other with theft, piracy, and murder. Even with the on-again-off-again war in the bay and a deficiency of English trucking goods, Claiborne was still able to ship furs valued at four thousand pounds to his partners in England during a lull in the fighting at the end of 1635.[103]

Though thwarted in their initial attempts to take Kent Island by force, the Marylanders were not ready to give up. As the Calverts pressed the Lords Commissioners of Plantations to rule against the Virginians' claims to the head of the bay, they also intrigued with Claiborne's increasingly dissatisfied investor, William Cloberry, to confiscate the fur factor's property. George Evelyn, a Cloberry agent and Maryland supporter, appeared at Claiborne's trading post in 1636 and surreptitiously surveyed the scene. He ingratiated himself with the merchants and residents there by pretending to insult Maryland's governor, declaring that Leonard Calvert "was a very Dunce and Blocked when he went to school."[104] But in 1638, while Claiborne was absent in England defending his property rights in the courts, Evelyn conspired with the Marylanders to defeat the Palmer and Kent Island forces. Maryland authorities hanged several of Claiborne's associates after

charging them with treason and piracy. Somewhat anticlimactically, the Commissioners of Foreign Plantations ruled in the Calverts' favor and upheld the Catholic colony's claims to the upper end of the Chesapeake, thus redrawing Virginia's boundaries and rejecting settlement as a justification of Claiborne's possession. With the imposition of Maryland's control between the Virginians and the Susquehanna route to furs, the "greate trade of beaver" ended for Claiborne.[105]

Legal rulings from authorities, whether made in faraway English cities or in nearer-at-hand colonial capitals, however, could not dictate the shape or fate of the Chesapeake fur trade. Other players exerted more immediate influence and control over colonizers' access to American animals. The Susquehannocks, positioned at the axis of the Chesapeake beaver trade, responded to the demise of Claiborne's enterprise not by sending their furs to the Marylanders but instead by turning to colonial competitors in New Sweden.[106] At the same time, Maryland-allied traders fled the colony in the late 1630s in reaction to Lord Baltimore's attempts to bring the Chesapeake beaver trade under his sole control. Fleet escaped Calvert domination by heading for Virginia's Northern Neck frontier, where he could operate more or less independently.[107] Even provincial administrators began to question the proprietor's self-interested policies. In a 1638 letter to Lord Baltimore, Governor Calvert's partner, Cornwallis, complained that he would be better served by "fetching the Truck and carrying what beaver I could get, from and toe Virginia without bayting at St. Maryes."[108] Jerome Hawley, a Maryland councilor like Cornwallis, secretly pursued his own trade with the Susquehannocks, which he thought offered "better hopes to advance by its depenice on Virginia then Maryland."[109] English fur traders, accustomed as they were to considerable freedom in their dealings with Indians and to considerable profit from furs, chafed at Maryland's government-imposed restrictions on their actions. The beaver trade, Father White maintained, relied on such risk-taking, independent adventurers, skilled in Indian languages and proficient as cultural go-betweens, to bring wild commodities to English merchants. Discouraging them by over-regulation would divert the trade to competitors in "some neighbouring land" or prevent "the first adventurers from trading att all."[110]

White's mild criticisms of Lord Baltimore's fur-trade policies alluded to a crucial point: extractive enterprises and market-driven competition impeded Chesapeake colonizers' ability to extend their control over the distant bea-

vers and the people who brought their pelts to European merchants. Indians' freedom to bargain with multiple colonial buyers drove traders to undersell each other in frantic efforts to capture an ever-greater share of the available furs. Dwindling beaver populations shifted prime hunting grounds ever father away. The result was the "distruction both of the trade and the traders . . . by over bidding the prise for beaver dayly."[111] The declining profits that led to Claiborne's ouster from Kent Island were a direct result of "the meanes of the Marylanders," whose presence after 1633 allowed the Indians to sell "theire beaver dearer and dearer."[112] Competition from other European powers had similar effects. The "interposing grants" that created New Sweden and New Netherland obstructed Anglo-Virginian access to the interior where the "greate trade of beaver" originated with "the mountayn Indians."[113] Parked at the ocean end of several great water routes leading into the best remaining Indian hunting grounds—a seemingly advantageous location—Virginia's colonizers found themselves contending instead with Dutch, Swedish, and English opponents who stood between them and the shifting and shrinking beaver country they all wanted to exploit.

In response, colonial authorities in the Chesapeake weakened the controls along the peripheries of their settlements rather than solidifying their jurisdiction over their purported dominions. Traders such as Fleet and Claiborne were given free rein to negotiate their own alliances, establish their own partnerships, and generally pursue their own interests and those of their financial backers, frequently at the expense of colonial cohesion. Fleet's refusal in 1631 to allow Virginia's governor to interfere with his trading plans on the Potomac River was but one example. Authorities also loosened restrictions on weapons, overturning prohibitions on the sale of guns and ammunition to Indians that were enacted in the era of the Anglo-Powhatan Wars. A 1659 Virginia statute explicitly credited competitors from "neighbouringe plantations both of English and forrainers" for supplying Native Americans with European weapons and, in the process, drawing from the colony "the trade of beaver to our greate losse and their profitt." Allowing the free exchange of guns for furs would therefore be "derogateing nothing from our safety and adding much to our advantage," legislators concluded.[114] Gov. William Berkeley complained in 1663 that the Dutch, having "settled a Trade of Beaver with the Indians" within Virginia's domain, supplied enemy tribes with "Ammunition and Guns in greater proportion then we have them ourselves."[115] By midcentury it was clear that if Anglo-Virginians wanted to

participate in the fur trade they could not expect to rule it. Authorities had to exchange control for distant influence—exchange trade for settlement—to colonize the beaver's countries.

From this contentious Chesapeake beaver trade emerged a particularly Anglo-American frontier. The conditions of the fur trade forced the creation of an outward looking and expanding zone of backcountry interaction located on the leading edge of English colonial settlement. On the frontier, English rules of governance gave way to decentralized authority, stunted regulatory regimes, independent action, competitive individualism, and fluid alliances.[116] Unlike beaver-trading networks in New France that fanned out from widely separated religious and trading outposts under a centralized governing structure, the Chesapeake's fur-trade frontier developed more haphazardly over the mid-seventeenth century into a roughly linear north-south corridor between two colonialisms: an eastern English settler colonialism below the fall line along the Atlantic coast, and an extensive, western interior region of extractive colonialism dominated by indigenous peoples.

English colonizers in the mid-seventeenth-century Chesapeake, perhaps more than others elsewhere, had to accept porous boundaries and border transgressions in order to profit from the beavers that occupied environments far inland. Colonial authorities allowed and even encouraged traders, like Spelman and Fleet, to cross cultural divides and to make their own rules. To be participants in a distant fur trade, colonizers had to be willing to accommodate the economic and political demands of the Native American hunters and traders who ferried pelts from the interior to the backdoors of English settlements. Anglo-Virginians were forced to acknowledge, and at times abet, the competing imperial aspirations harbored by some Indian polities—including the Five Iroquois Nations, the Hurons, and the Susquehannocks—to control distant beaver countries. Thus the beaver itself, though rarely a living presence for Chesapeake merchants, traders, and lawmakers, became a dynamic force sustaining an unregulated, competitive frontier along the edges of English settlement.[117]

Beaver Wars and Beaver Empires

When the third, short-lived, and final war with the Powhatan Confederacy ended in 1646, Virginia authorities once again took steps to strengthen their jurisdiction over the coastal plain and solidify the boundaries of their Tidewater settler society. Anglo-Virginians had learned through painful experience that border transgressions too often led to violent confrontations with

local native peoples who refused to abide by English definitions of possession. So, in the treaty negotiations at the close of the Third Anglo-Powhatan War, Virginia lawmakers ordered the defeated Powhatan people to leave the tract of land lying between the York and James Rivers to the English. Indians, "upon paine of death," could not cross into English lands unless they were sent as messengers clothed with a special striped coat as an official badge. Even then, they could only enter at controlled points at Fort Henry on the Appomattox River or Fort Royal on the Pamunkey. Colonists faced the death penalty for harboring Indians in their homes, and all Indian trading was to be contained at two authorized sites located near the backcountry fall line that divided settlers from natives. One of those sites was Fort Henry, commanded by the frontier fur trader and explorer, "General" Abraham Wood. The other was the house of Capt. John Flood, another fur trader and Indian interpreter living just to the east of Fort Henry.[118] In a final act of submission, colonial authorities ordered the new Powhatan leader, Necotowance, to pay "the King's Government" a tribute of "twenty beaver skins att the goeing away of Geese yearely."[119] Colonizers thus closed their settlements' borders and sealed them with coerced payments of beaver.[120]

On the fur-trade frontier, a different policy governed Indian-English relations. There, colonizers pursued economic engagement, not separation. Of course, the Virginia Company had advised this approach from the start. The Siouan-speaking Monocan and Manahoac nations of the Piedmont and Blue Ridge Mountains to the west, along with the Iroquoian-related Massawomeck and Susquehannock to the north, were far enough away from English settlements to "prevent all offence." Company officials predicted in 1609 that a remote trading outpost at the Chesapeake Bay's northern end would limit Indian contact with colonists and their possessions.[121] Looking back from the 1640s, the company appeared prescient. Claiborne's Kent Island enterprise and economic partnerships with the Massawomeck and, more importantly, the Susquehannock peoples had produced profits for English traders and investors. That competitors in Maryland would arrive to disrupt their fur-trading frontier was something Virginia's leaders could not have foreseen in 1609.

From the Susquehannock perspective, the Chesapeake fur-trading frontier was not the western, leading edge of English settlement. It was instead, the eastern periphery of an Indian economic empire. Practicing their own brand of extractive colonialism, the Susquehannock nation endeavored to extend its influence over western tribes and their beaver-hunting grounds

in the Ohio River Valley and the Great Lakes in the mid-seventeenth century. The Huron and Iroquois confederacies advanced similar, competing imperial ambitions to control the same beaver-rich territories.[122] The struggle for western hegemony embroiled the Huron-allied Susquehannocks and the Iroquois in widespread, violent conflicts that erupted intermittently through to the century's end. The eastern reverberations of those western clashes realigned Native American political power relations in ways that eventually led to the demise of the Susquehannock nation and the incorporation of its people into the Five Nations. For a time, however, Susquehannock dominance in the Chesapeake fur trade shaped conditions on Virginia's Anglo-Indian frontier.

The widespread manifestations and dislocations of the so-called Beaver Wars revealed to Chesapeake settlers that the Indian beaver trade impeded rather than advanced English settler colonialism. Claims of English dominion over American territory and animals ran up against indigenous imperialisms that were far more adept at extracting animal resources from western tributaries. By courting an Indian trade for furs, English colonizers weakened their possession claims. Firm boundaries between English and Indian dissolved on the frontier, as Anglo-Virginians acceded to native control over furry American creatures. In reality, the Susquehannock, not the English, colonized the beaver. Events on the Chesapeake's fall-line, fur-trading frontier in the mid-seventeenth century turned on that fact.

Claiborne's ouster from his Kent Island entrepôt did little to endear the Marylanders to the Susquehannocks. With access to other European economic partners on the coast, the Susquehannocks had never been limited to trading with the English alone. They brought furs at first to New Netherland, and, after 1638, they turned their trade almost exclusively to Delaware River outposts in New Sweden. Maryland declared war on the tribe in 1642 in response to Susquehannock raids at St. Mary's City. Over the next ten years, the Susquehannocks, with the support of New Sweden, battled Maryland's colonists and their Piscataway allies. At the same time, the Susquehannocks sought rapprochement between their Indian enemies and allies in order to strengthen Native American control over the market in wild furs. Proposing a "lasting peace, which would not hinder the trade of all these countries with one another," the Susquehannocks pursued a plan to reconcile the Hurons and the Iroquois League while ending the destructive competition over interior beaver-hunting grounds. This vision of a cooperative Indian fur cartel, though ultimately doomed by Susquehannock aggression

and Iroquois suspicion, demonstrated the extent to which Native American, rather than European, imperial relations governed access to the resources of the western beaver country.[123]

Indigenous imperial politics controlled not only the Chesapeake beaver trade but also the wider North American fur trade. After the Hurons resisted Iroquois pressure to confederate, the Five Nations attacked them in the 1640s. Iroquois warriors, armed with Dutch-supplied guns, destroyed Huron villages and took captives to compensate for their own population losses caused by disease and warfare. From there, the Iroquois marched farther west to take on French-allied Algonquian tribes around the Great Lakes, defeating the Erie Confederacy and the Neutrals in the 1650s and causing havoc far into the Ohio Valley and the Illinois Country in the 1670s and 1680s.[124] Recalling the many troubles the Illinois, Miami, and Meskwakie Indians had with the eastern invaders in the 1680s, Louis-Armand de Lom d'Arce, baron de Lahontan, wrote that he "could relate 20 fatal Excursions of the Iroquese into the Hunting-Countries" of the western Great Lakes, where "they cut the Throats of many of our Friends and Allies." The tribes there most certainly had "great reason to be afraid of their Enemies," the French soldier concluded.[125] The expansionistic Iroquois Wars turned Huron and Algonquin attentions away from trade to defense and survival, interrupting, in the process, the flow of beaver pelts to European colonial centers.[126]

Though dubbed the "Beaver Wars" by later writers, more recent scholarship has questioned that designation and stressed other causes for the Iroquois conflagrations: disease, dwindling populations, the quest for captives, and territorial defense. To be sure, confrontations among the Iroquois, Huron, Petun, French-Great Lakes Algonquin, and Susquehannock were driven by a range of different economic, cultural, and political motives, not simply a frantic search for beaver skins to feed a new, destructive addiction to European gewgaws.[127] Still, the beaver's role in those conflicts was likewise multidimensional. Native Americans sought access to and control over the beaver and its countries to serve cultural and political interests in addition to economic ones. Beaver pelts bought the guns that gave the Iroquois the upper hand in captive taking and conquest. The promise of beaver pelts turned colonizers into military allies willing to help defend tribal territories and hunting grounds from outsiders, indigenous and European. Gifts of beaver sealed diplomatic negotiations and were offered as tribute by conquered tribes. In this sense, the beaver did do "everything perfectly well," as the Montagnais said to French missionaries decades earlier.[128] More than

a simple commodity to Native Americans, the animal was implicated as a factor in much of the violence that marked the mid-seventeenth-century Iroquois expansion.[129]

During the 1640s, with their northern neighbors, the Five Nations Iroquois, preoccupied with conquest in the Great Lakes, the Susquehannocks were left relatively free to operate within their domains. In the 1650s, however, the Iroquois spread southward after the defeat of the Huron Confederacy. Mohawk attacks in 1651–52 shook the Susquehannock nation and prompted the tribe to rethink its antagonism toward Maryland. With the aid of Claiborne—back in the Chesapeake as a Parliament-appointed commissioner tasked with replacing the royalist leadership in Maryland and Virginia with a Puritan regime—the Susquehannocks arranged a well-timed but shaky truce with Maryland in 1652.[130] The resulting "Articles of peace and freindshipp" ceded loosely held Susquehannock lands from the Patuxent and Choptank Rivers to Maryland and further secured the colony's borders by requiring all Indians to produce prescribed tokens before coming within range of English settlements.[131] At about the same time, Maryland's lawmakers relaxed restrictions on the Indian trade, allowing "every Inhabitant of this Province" to have "free liberty to trade . . . for any Beaver or other Comodities."[132] The Susquehannocks, despite the spreading Iroquois wars, continued to bring beaver pelts back from points north and west for trade. When Dutch conquest cut off the Susquehannocks from their former trading partners in New Sweden in 1655, Marylanders were left in prime position, between beaver country and the Virginians, to capture an even greater portion of the Chesapeake fur trade.[133]

In the early 1660s, worried about the rapidly growing power of the Five Nations, Maryland officials sought to strengthen their Susquehannock ties. The tribe provided "a Bullwarke and Security," according to officials, protecting the province's boundaries from attack. A 1661 treaty between Maryland and the Susquehannocks promised mutual assistance against the Seneca. In 1663, the provincial government sent fifty English soldiers to man the Swedish cannons at the Susquehannock fort on Maryland's northern border.[134] Colonial authorities instructed English commanders to "presse [the Susquehannocks] discreetly to a vigorous prosecution" of the war against the Seneca.[135] The spreading conflagration disrupted the Seneca fur trade with New Netherland, causing administrators there to complain that violence had kept the Indians from "hunting as usual" in the winter, which caused "nearly a stagnation in trade."[136]

Anglo-Virginians were no more pleased than were the Dutch about Maryland's efforts to court Susquehannock support. As the rival colony drew the Susquehannock people closer, Virginia's merchants saw their favored status with the tribe decline. Legislators retaliated by trying to draw clear lines across the beaver trade. A 1662 statute prohibited "all Marylanders, English, and Indians . . . to the Northward of Maryland from trucking, trading, bartering, or dealing with any English or Indian to the southward of that place." The action was warranted, Virginians argued, since Maryland had "already done [the same] to us."[137] Governor Berkeley complained that the creation of Maryland and other "principalities" amounted to nothing more than a "dis-membring of the Colonie." These "interposing grants" allowed the Dutch to carry on "a Trade of Beaver with the Indians" within Virginia's precincts, "amounting to two hundred thousand skins a year." The colony's laws could not touch the Dutch trade in guns and ammunition that flowed freely across Virginia's borders into Native American hands.[138]

Relations did not improve when the English took possession of New Netherland in 1664. New York's merchants inspired their native trading partners with "such a hatred" toward the Virginians that the Indians no longer brought pelts to the colony, recounted Robert Beverley. Indians came to Virginia's frontiers in the 1660s and 1670s, he insisted, only to "commit robberies and murders upon the people." The Susquehannocks and other northern Indians were traveling in "considerable numbers" to the headwaters of Virginia's rivers, making "plain paths" across Virginia's fur-trade frontier. These movements would prove to be "of dangerous consequence," officials warned, since they would "affront the English" and turn "the whole trade from our neighbouring and tributary Indians." Authorities stepped in and negotiated to regain a share of the beaver trade, but they "restrained it to certain marts" and placed it "under such certain rules" formulated by the colonial assembly. The Indians, "who had never been before under any regulation," opposed Virginia's plan.[139]

For the Susquehannocks, the 1660s brought as many setbacks as gains, despite the support of their new allies in Maryland. More serious Seneca attacks on the Susquehannocks in 1663 prompted Maryland to declare war against the Five Nations. English merchants in New York freely supplied Seneca warriors with weapons after 1664. At the same time, an epidemic was sweeping through Susquehannock villages. A 1667 treaty between the French and Iroquois momentarily quieted the western wars to allow the Oneida and Onondaga to join in the Seneca's fight against the tribe. Though

still capable of mounting an offensive against Iroquois warriors, the Susquehannocks found themselves increasingly hemmed in between imperial powers, their hunting and trading routes bisected by spreading Iroquois warfare and expanding English settlement.[140] They also discovered that the Marylanders were hardly steadfast allies. Provincial leaders, alarmed by the growing Iroquois power becoming ever more visible in the Chesapeake during the 1660s and 1670s, reconsidered their support for the weakening Susquehannock nation. Negotiating a truce with the Senecas seemed the more prudent course in 1674. The following winter, Iroquois warriors overran the Susquehannock fort and scattered its residents. Governor Calvert, perhaps feeling a bit guilty at having abandoned Maryland's erstwhile allies (or perhaps being covetous of Susquehannock lands), offered the hard-pressed remnants of the tribe sanctuary within the colony's borders in 1675. The Susquehannocks would exchange their independence for tributary status in the move, and they would thus be eliminated as obstacles to Iroquois expansionism.[141]

No one was pleased with the governor's plan. The Susquehannocks reluctantly agreed to remove to the head of the Potomac River at Piscataway Creek only "after some tedious debate." The Piscataway and other "friendly Indians" were not happy with the idea of having their former enemies living nearby, and Maryland's General Assembly was similarly unwelcoming. The move would "be of Dangerous Consequence to the Province in General," legislators argued. The Susquehannocks would "corrupt our Indians," the Assembly predicted, and all would eventually attack the colony. Indeed, many wondered if the "Seeming Warr" with the Seneca was nothing more than an elaborate ruse, a cooperative Seneca-Susquehannock design "to discover the strength of the province." If the war was real, then harboring the Iroquois League's enemies would only "exasperate the Senecas" and encourage them to turn their wrath on the Marylanders. It would be better "to make peace with the [Seneca] Indians," the Assembly urged, than to protect their Susquehannock foes. English settlers on the Maryland and Virginia frontiers were equally disturbed by the relocation. Susquehannock Indians began to appear more often at English plantations, traveling across colonial borders at will. Reports of "many murthers and Outrages" committed by "the Susquehanna Indians" and their confederates surfaced immediately after the governor's offer was accepted by the tribe. On the fall-line frontier, distinctions between "friendly" and "enemy" Indians dissolved as colonists attempted to construct a rigid boundary that would insulate

English settlements from the multivalent military confrontations raging outside.[142]

That the Susquehannocks had become a liability to Chesapeake colonizers was apparent with the start of the war the Marylanders and Virginians waged against the tribe from 1675 to 1677. The "murthers and outrages" carried out on both sides came to a head, according to one eyewitness account, with an Indian attack on an English herdsman living along the Potomac River in Virginia. Passersby found the man "lying th'wart his Threshold, and an Indian without the Door, both Chopt on their Heads, Arms and other Parts, as if done with Indian Hatchetts." With his dying breath, the herdsman identified the Doeg Indians as his attackers. A hastily raised militia pursued the Doegs into Maryland and killed ten. But another party of militiamen, searching for the same perpetrators, mistakenly surrounded a cabin of Susquehannock Indians who had been "newly driven from their habitations." Hearing shots, the English fired into the cabin, killing fourteen before their commander cried out, "For the Lords sake shoot no more, these are our friends, the Susquehanoughs."[143]

The deadly skirmish provoked calls from both colonies for a militia that would put an end to the frontier raiding once and for all. In September 1675, a combined force of one thousand Marylanders and Virginians besieged the Piscataway fort on the Potomac where the Susquehannocks had taken refuge. Commanders immediately killed the Indian headmen who came out to ask the reason for the Englishmen's "hostile appearance." After six weeks of fighting, the Susquehannock survivors managed to slip the English noose, and "forsaking Maryland," they escaped southward into Virginia, where they fell upon plantations at the heads of the York, Rappahannock, and James Rivers. There, at Nathaniel Bacon's fall-line estate on the James, they ambushed and killed two of Bacon's men and, in the process, provided the restive planter his pretext for an indiscriminate war of extermination against the Indians and, ultimately, a rebellion against the colonial government.[144]

Governor Berkeley attempted to quell the frontier violence with a defensive scheme that included prohibitions on the Indian trade, the revocation of all trading licenses, and the erection of strategic "forts or howses of defense" at the heads of the rivers.[145] By these actions, he hoped to prevent spreading hostilities, well aware that an all-out Indian war would cripple the colony. Berkeley had before him the contemporaneous example of King Philip's War in New England, which provided a clear view of what could happen in Virginia. In April 1676, he predicted that, if New England's Indian

war lasted much longer, colonists there would become "the poorest miserablest people of all the English Plantations in America." The northern colonies had already "lost all their beaver trade, half their fishing, and [had] nothing to carry to Barbadoes." The Susquehannock attacks were leading the Chesapeake colonies in the same direction. "That barabarous nation," the governor wrote, had killed nearly forty men, women, and children on the Rappahannock River since the colony joined forces with the Marylanders. A number of the militia leaders were dead or "too remote to assist in any emergency," reported Berkeley, and only "Colonel Bacon" and a few others could be relied upon for the colony's defense.[146] Extending stricter government control over the frontier and curtailing the independent actions of fur traders were key elements of Berkeley's strategy to stop the violence.

Nathaniel Bacon and his followers, however, disparaged the governor's plans, labeling them as worse than costly and ineffectual. The "forts back in the woods upon Severall greate mens Lands," an Isle of Wight County grievance read, represented a mere "pretence of service for us against the Indians."[147] Native American mobility on the frontier could not be countered by a few forts, settlers protested. If the English knew "that there was more ways in to the wood then one, to kill Deare," then the Indians could find "more than a thousand out of the wood, to kill Men," without coming "neare the danger of the forts neather." From the backcountry perspective, the colonial government had mustered only the feeblest of responses to the "Frequent, Horrid, and barbarous Murthers" committed "by the p[er]fidious Indians." Despite the prohibitions on trade, Native Americans still had "Ammunition and Fire-Arms allow'd them, contrary to Law" by a few of Berkeley's "Corrupt favourites," Bacon claimed. These unscrupulous Indian traders bought and sold "the blood of there deare Br[o]ther [co]untrey men." Bacon publicly charged "Sir *William*" of "Caballing" and "Protecting the *Indians,* who are Enemies to the King and Country, and who are Thieves and Robbers." Enraged planters insisted that the governor's actions were clear evidence that colonial authorities were willing to exchange English lives and English possession of the land for personal profits extracted from the western beaver country. Berkeley had "monopoliz'd the Beaver Trade, in Opposition to the Settlement." Under these conditions, frontier settlers' bullets were no match for the economic power wielded by beaver-trading and border-crossing Indians.[148]

Bacon took matters into his own hands after the governor denied him a commission as a militia commander. He led a group of backcountry volun-

teers southward in pursuit of the fleeing Susquehannocks. Bacon and his men caught up with their foes at the confluence of the Dan and Roanoke Rivers, near the Occaneechi people's island village. The Occaneechis, who had obtained their guns from the Susquehannocks, initially offered the refugees sanctuary.[149] But when their guests turned aggressive, the Occaneechis helped the English troops capture Susquehannock prisoners, "some of which they cruelly tortured & killed runing fyre brands up their bodys & the like."[150] Bacon repaid the Occaneechi aid by turning his militia loose on the Indians' fort, burning up "a great number of Men, Women and Children, whose groans were heard" throughout the daylong massacre.[151] The attacks, according to Bacon's compatriots, "left all nations of Indians . . . in a civill war amongst themselves" and promised to bring Virginia's Native Americans "to their utter ruine and destruction."[152]

Governor Berkeley and his supporters saw Bacon's actions quite differently. "Before his march," one Berkeley ally reported, Bacon "left no way unattempted to Drive our neighbor friend Indians away from us, who the Governor has alwayes most prudently Indeavored to preserve, being as necessarie to us as Doggs to hunt wolves."[153] To the colonial government, the Occaneechis were "great lovers of the English." They were in no way deserving of Bacon's unprovoked attack that was simply a "great designe . . . to get the Beaver, of which there was great store" at the island fort.[154] In fact, royal commissioners appointed in 1677 to investigate the rebellion concluded that "few or none had bin the Damages sustained by the English from the Indians" before Bacon's declaration of war, except those occasioned by "private quarells and provocations."[155] Unable to bring Bacon to heel, and fearing that his agitations would lead to a general mutiny among sympathetic colonists, Berkeley declared the wayward "general" a rebel and demanded that he return to apologize to the council for his actions.[156] Hardly cowed, Bacon and his fractious followers continued to press for a "continuall warr with the Indians" as the ultimate solution for the colony's disorder.[157]

The rest of the story of the rebellion—Bacon's election to the House of Burgesses, his declaration denouncing Berkeley for his crimes against the people, the burning of Jamestown by Baconian forces in the fall of 1676, and the sputtering end of the rebellion after Bacon's death from "the bloody flux, or lousy disease, or both" shortly after—has been well and often told.[158] Since its end, historians have offered divergent interpretations of the popular uprising, seeing it as a precursor to the American Revolution, as an expression of class-based tensions pitting the backcountry poorer sorts against

Tidewater social and economic elites, as an effort by the propertyless to expropriate Native American land, as part of the transition from servitude to slavery in the colony, or as an outgrowth of personal conflicts between Bacon and Berkeley.[159] Most, however, would concur with Robert Beverley's 1705 assertion that "it cannot be imagined" that the rebellion was generated by "Two or Three Traders only" angling for a monopoly of the beaver trade. Instead, Beverley blamed declining tobacco prices, unfair taxes, parliamentary restraints on trade, new proprietary colonies, and Indian frontier disturbances for the "intestine commotion."[160] The beaver, by itself, could not cause an insurrection.

Yet the beaver should not be so easily exonerated. The frequency with which the beaver trade appeared in protests and grievances suggests that many colonists, more than "Two or Three Traders only," saw the expansion of an Indian-dominated extractive empire as an obstacle to English settler colonialism. Certainly, Bacon had personal reasons to be frustrated by the governor's efforts to control the frontier fur trade, since Berkeley had revoked Bacon's trading license along with others'. In his account of the "troubles in Virginia," the rebel leader confessed that his original interest in the "gainfulnesse of trading" with the Indians had led him to locate his plantation on the Chesapeake's fur-trading frontier. Bacon insisted, nonetheless, that he had realized the "fatall consequences" of that trade to the colony. Beaver pelts furnished Indians "with instruments to destroy us," Bacon wrote, and brought those licensed to trade under the governor's protection.[161]

Others came to similar conclusions. Berkeley's frontier forts were constructed "for the private use of some particular persons and not att all for the common good," Isle of Wight residents complained early in 1677.[162] The fortifications "on greate mens Lands" functioned instead as legally authorized Indian trading centers that gave Berkeley appointees, such as the fur trader Abraham Wood, a monopoly. These traders defined Indian friends and foes by their relationships to the market, not to the settlers. Bacon charged Major General Wood, against whom "severall high and great Complaints" had been lodged, with protecting and defending the enemy.[163] Wood, somewhat suspiciously, had been "kept to his house through infirmity" during the spring skirmishes and refused to take part in the frontier Indian war.[164] The evidence all seemed to point to the Baconians' conclusion that Berkeley had "privately [given] comission to some of his Friendes to truck with [the Indians], and those persons furnished the Indians with Powder, Shott etc. soe that they were better provided than his Majestye's Subjects."[165] With

beaver pelts as their passes, Indians had been allowed by colonial authorities to violate English boundaries.

As the rebellion and the Susquehannock War both drew to a close in 1677, English inhabitants of Virginia again voiced their concerns that the trade in beaver pelts worked to unsettle the colony. Lower Norfolk County residents asked authorities to prohibit the sale of "any ammunition for warr to the Indians." Colonial officials, however, responded by reaffirming the importance of unrestricted trade in beaver skins. "If Maryland &c. be left at liberty in the particular and Virginia not," they insisted, others would "ingrosse the Beaver Trade," and Virginia would be "deprived of that benefit."[166] Statements like these reinforced the notion that Chesapeake elites still favored the "custom to exchaince the King's Majesty's Subjects, for furr," while settlers sought only to make America "a continent for the enlargement of your Majesty's emperial Crowne and Dignity."[167] So long as the Indians controlled the beaver countries, and so long as the colonizers coveted the beaver's skin, settlers' societies would be vulnerable and English dominion would be curtailed.

A Country for Tobacco, Not Furs

In 1677, the Susquehannocks, harried by English and Indian enemies and decimated by disease, capitulated to the Iroquois. Incorporated into the Seneca and Onondaga nations, the Susquehannock Indians ceased to exist as an economic and political force in the Chesapeake. Later that same year, Lord Baltimore's government extended peace offers to the Seneca, Onondaga, Cayuga, and Mohawk tribes, on the condition that those nations' members, including any adopted Susquehannocks, would promise to do no harm to colonists in Maryland or Virginia. The confederated Iroquois tribes agreed to the treaty, forgiving past injuries and pledging that future disagreements between the parties would be mediated without an immediate resort to war. To seal the deal, Iroquois emissaries presented gifts of dressed elk, otter, and beaver skins to colonial officials.[168]

William Claiborne made one last attempt in 1677 to recover his losses from Kent Island. He petitioned the Crown as a "Poor Old servant of your Majesty's father and grandfather" to ask for restitution. Lord Baltimore, the former Indian trader charged, had obtained a patent for the island only by "pretending it was unplanted" and, through the "force of armes in a Hostile maner," expelled Claiborne from his rightful possession. Claiborne's "discoveries and warrs against the Indians" in the Chesapeake had turned the

"great trade of Beavers & Furrs" to profit English colonizers. For this work, he asked Charles II for a repayment of the "ten thousand pounds sterling in Goods, Cattle, Servants, & many Plantations" he had lost to the Marylanders.[169] Shortly after his appeal was denied, Claiborne died on his plantation in Virginia.[170]

Though Claiborne had hoped that his loyal support for Berkeley's government during the rebellion would convince the king to restore his title to Kent and Palmer Islands, he harbored no plans for restarting a great trade in beaver. His Susquehannock trading partners had been defeated and dispersed. The Iroquois, having vanquished their eastern enemies, were left free to resume their western wars in the beaver countries around the Great Lakes. Furs from those distant and destabilized hunting grounds now more often found their way to competing outlets in New York, the Carolinas, and New France. At the end of the century, beaver prices in the Chesapeake were "miserably low," and the beaver tribute paid by subject tribes in Virginia declined to less than fifty pounds annually. By the time the Iroquois "Beaver Wars" ended in 1701, the nature and geography of the southern Indian trade had shifted away from the northern beaver country and toward deerskin producers in western Virginia and the Carolinas. The demise of the Chesapeake beaver trade was made clear by Maryland's Assembly at the end of the seventeenth century, when it declared that the province now dealt "generally in Tobacco and not in furrs."[171]

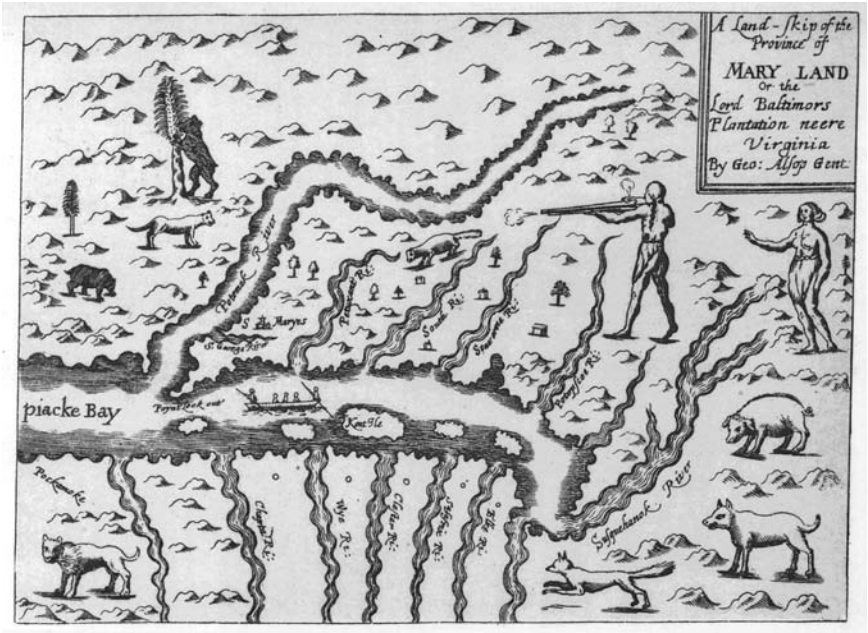
While it lasted, the Chesapeake beaver trade exposed the limitations of extractive colonialism. To profit from this distant and dispersed wild resource, colonizers had to accept and encourage Native American mobility. The beaver forced them to take sides in intertribal politics and military contests. Colonial authorities abetted Indian empire building and, in the process, weakened the boundaries of their own settlements. The Chesapeake beaver trade created a competitive, intercultural frontier where traders, English and Indian, could operate more or less independently. The conditions on the fur-trade frontier impeded the extension of consolidated colonial possession and the spread of an English settler society beyond the fall line. Bacon's Rebellion, as a southern offshoot of the larger Susquehannock War, revealed the significance of that critical fall-line divide separating English settler colonialism on the coastal plain from the Indian-dominated extractive colonialism upriver and across the mountains.[172] After the upheavals of the seventeenth century, Chesapeake colonizers realized that possession of the land required that they exert greater control over the animals as well as

the people that lived there. The faunal environment had to be brought into the colonial order. Though English colonizers rarely saw the beaver as more than a dead pelt assigned a commodity value, they came to understand that the rodent was implicated in many of their projects' successes and failures. To turn this wild animal to their benefit, English authorities discovered they would have to do more than commodify its hide. They would have to colonize the beaver and its countries.

Devouring Anamulls

By his own account, George Alsop had only the fondest memories of his four-year indenture in the Chesapeake. The land he promoted to his countrymen, after his return to England, was an unparalleled paradise. It beckoned emigrants to: "*Dwell here, live plentifully and be rich*." In style and content, Alsop's 1666 description of Maryland was like many other promotional texts, down to its enthusiastic recitation of the province's plentiful natural resources. Yet Alsop conceded that not all who came from England would prosper in America. Sheep, he confessed, were neither plentiful nor much desired by Maryland's colonists, "because they commonly draw down the Wolves among the Plantations," due to "the sweetness of their flesh" and "the humility of their nature." Planters who tried to keep the defenseless animals could "expect that after the Wolves have breathed themselves all day in the Woods to sharpen their stomachs, they will come without fail and sup with them at night." Although wolves, along with bears and panthers, usually inhabited "the remotest parts of the Continent," colonists' domestic stock enticed the predatory beasts out of their wild haunts and into English plantations. Once there, wolves committed "degenerate" depredations that Alsop reviled as lacking in "heroick vigour." He argued that "the highest of their designs and circumventing reaches is but cowardly and base, only to steal a poor Pigg, or kill a lost and half starved Calf." Wolves should be served "with the sawce that's dish'd out of the muzzle of a gun," Alsop concluded, and sent to "sleep with their Ancestors."[1]

Alsop's vilification of wolves was not unusual. To English colonizers, wolves represented the worst of a category of creatures they labeled as pests or vermin, including bears, crows, wildcats, foxes, blackbirds, and squirrels. In promotional literature, the few destructive species that threatened do-



A Land-Skip of the Province of Maryland (1666). George Alsop's map of the Chesapeake depicts a disordered wilderness inhabited by bears, panthers, wolves, and a single hog. Wikimedia Commons.

mestic crops and livestock appeared as the only nuisances to be found in an otherwise overwhelmingly benevolent American environment. Writers acknowledged that wild pests were a constant annoyance to settlers, as William Byrd observed during his 1728 survey of the Virginia–North Carolina line. Backcountry colonists, Byrd found, had dug wolf pits "so deep and perpendicular, that when a wolf is once tempted into them, he can no more scramble out again, than a husband who has taken the leap can scramble out of matrimony." One frontier farmer, living close to Indians on the Dan River, considered himself "perfectly safe from danger," though Byrd wryly observed that "if the bears, wolves, and panthers were as harmless as the Indians, his stock might be so too."[2]

Wolves threatened more than the settlers' imported livestock. Their depredations struck at the fundamental legalities of English colonizing. When wolves attacked domestic pigs, calves, and sheep, they simultaneously hamstrung the developing ideologies of improvement and possessive individualism on which Anglo-American claims to legitimate occupation and

possession rested.[3] Distinctively English colonizing discourses imagined that productive use—cultivation by individuals—would carve well-ordered parcels out of America's "unsettled" wastes. Domestic animals were key elements of this vision that walled off English places from the disordered and savage spaces beyond, but colonizers' discursive boundaries could not deter wild predators. Wolves, along with other creatures deemed to be pests and vermin, penetrated settlements and destroyed the living "improvements" planted to substantiate English possession claims. In the process, predators forced colonizers to confront the real limitations of their ideologies. Improvement could not be individual and piecemeal. Centuries-long conflicts with wolves taught colonizers that to bring an improving order to specific English places they would have to bring order to the surrounding wild spaces as well.[4]

Controlling the depredations of wolves and other pest species required colonizers to look beyond the boundaries of their private properties to consider the broader territory they shared with indigenous animals. Improvement, ostensibly accomplished by reshaping and domesticating individual parcels of land with English crops and livestock, was thwarted by the repeated intrusions of wild creatures. Wolves, in particular, emerged as a major concern for colonizers, who struggled to find ways to eradicate these opportunistic hunters on each successive wild-animal frontier. Because wolves' actions threatened private property, Anglo-American authorities were forced to attend to wolf behaviors as they constructed new mechanisms for colonization and possession. Keeping the land meant keeping the wolves away.

Beasts of No Use to Man

In the early days of European exploration of North America, wolves lurked as dark and slightly menacing shadows in the background of the mostly optimistic picture painted in colonizing literature. Lumping them together with other predators, poisonous snakes, and bothersome insects into a category of the continent's discommodities, most of the earliest European explorers gave wolves but a brief mention in their recitations of America's natural wealth. The chronicler of Hernando de Soto's 1539 expedition was typical. He listed the "many lions and bears in Florida," as well as "wolves, deer, jackals, cats, and rabbits," in a catalogue of American animals. In a similarly laconic tone, Jacques Cartier simply noted sightings of bears and wolves during his Newfoundland voyage in 1534. It is understandable that European explorers wasted little descriptive effort on wolves since, as José

de Acosta contended in his *Natural and Moral History of the West Indies,* these were "beasts of no use to man."[5] Some writers provided more information about wolves and their habits. Virginia's wolves were "made like a Mongrel," according to one English promotional tract, being "big-boned, thin paunched, deep breasted," and "having a thick neck and head, prick ears, and a long snout, with dangerous teeth, long stairing hair, and a great bush tail."[6] Wolves' favored prey were deer in the eastern woodlands and bison on the western plains.[7] Other writers likened wolves to the dogs kept by native peoples. In New England, James Rosier explained early in the seventeenth century, Indians had both "doggs and wolves which they keepe tame at command."[8] The wolf was "the Dog of the Woods," in John Brickell's eighteenth-century natural history of North Carolina, which claimed "the Indians had no other Curs before the arrival of the Christians amongst them."[9]

European explorers, travelers, and naturalists generally agreed that, tamable or not, North American wolves were not particularly dangerous to humans.[10] Colonial promoters reassuringly argued that, compared to Eurasian wolves, American varieties seemed less fierce, and they were not known to attack humans.[11] These writers often described other American predators in a similar vein. Bears ran away at the sight of a man, Thomas Harriot insisted late in the sixteenth century, and quickly climbed the nearest tree from which "they may after easily be killed."[12] Writing nearly a century later, Thomas Budd maintained that although "Ravenous Beasts" could still be found in the deepest woods of Pennsylvania and New Jersey, he had never seen any predators in his travels, since the animals were generally "afraid of Mankind."[13] Byrd insisted likewise, claiming that a wolf would not "attack a man in the keenest of his hunger" but rather would "run away from him, as from an animal more mischievous than himself."[14]

Predators might even be of some value to colonists, promoters suggested. In Humphrey Gilbert's "new found land," Edward Haies saw black wolves and foxes "whose furre is esteemed in some Countries of Europe very rich."[15] New England's bears, wolves, fox, and lynx, "whose Cases [pelts] and Furres being hereafter purchased by exchange," might "yeeld no smal gaine to us," conjectured Martin Pring in 1603.[16] An even broader range of uses came from the naturalist John Josselyn. He identified lynx and bear grease as sovereign for aches and black wolf skins as a native remedy for arthritic pain. Wolves' teeth, worn as a necklace, would keep children from fighting, Josselyn claimed, and wolf dung mixed with a little white wine provided an effective cure for colic.[17]

The earliest English depictions of wolves differed little from the similarly spare accounts offered by other Europeans, but as colonizers began to plant their settlements in the New World, the wolf quickly emerged from the background of the Anglo-American colonial story as its leading animal antagonist. Despite advertisers' weak assurances that wolves were mere nuisances in an ordinarily congenial environment, settlers' experiences with the predators convinced them otherwise. As Alsop concluded after only four years in the Chesapeake, well-ordered English plantations, with their stocks of cattle, pigs, and sheep, could not flourish alongside the wild spaces harboring American wolves. Embarking on a war of extermination, carried out over centuries on different wild-animal frontiers, colonists decided to remove the predators that unsettled their plans.

The English singled out "the ravenous Woolves" that destroyed their cattle as the wild pests that brought "the greatest prejudice to the Planters."[18] Wolves' predilection for imported livestock became a recurring observation in colonial texts from the seventeenth century through the nineteenth. In 1634, William Wood classified the predators as the "greatest inconveniency the country hath, both for matter of damage to private men in particular, and the whole country in general." It would be a good thing, Wood conjectured, "if the country had for every wolf a bear, upon the condition that all the wolves were banished."[19] Although Brickell characterized North Carolina's wolves in the eighteenth century as "fearful Creatures," claiming that they never attacked foals or calves, he went on to explain that the "very crafty" predators wreaked most of their destruction on sheep. Attacking only during stormy weather, when planters' dogs were under cover, wily wolves were able to "come about the Planters Houses" and kill any sheep that were not shut fast in their pens at night.[20] Western travelers in the nineteenth century noted the persistence of wolves on the trans-Appalachian and trans-Mississippi frontiers, commenting on the "wildness in their looks, and a fierceness in their eyes."[21] Josiah Gregg attributed "the scepter of authority" and "the control among prairie animals" to the gray wolves of the West. Apparently different from the wolves back east, the animals north of Mexico were "much more ferocious," according to Gregg. There they killed "horses, mules, and cattle of all sizes" and caused "considerable havoc among the buffalo."[22] With their predatory habits increasingly on display, wolves drew critical attention from colonizers engaged in the domesticating process of settlement.

Part of that attention focused on wolf anatomy and behavior, in the hopes that an understanding of the creature's habits would point settlers toward

more effective methods of predator control. English writers offered factual and fabulous insights into wolf physiology and social ecology. Observers in New England noticed that wolves' more frequent appearances around English plantations in the autumn and early spring matched the local migrations of white-tailed deer. Settlers' red calves proved particularly susceptible to wolf attacks, a fact Wood noted, since they more closely resembled native deer. Lupine preferences meant that red calves were cheaper than black ones in New England. Wood also advanced the more far-fetched claim that wolves could not bend or leap because they had "no joints, from their head to their tail."[23] Like other writers, he explained how wolves communicated through the "hideous and terrible noise" they made to "call their companies together—at night to hunt, at morning to sleep."[24] Wolves hunted in "great Companies together in the Evenings and at Night (especially in the Winter-time)," reported Brickell. When game was scarce, wolves went into the swamps and "fill[ed] their Bellies full of Mud," which they promptly disgorged if they happened upon any carrion. According to Brickell, it was the common opinion of hunters that if wolves did not starve or die in "some secret unknown way, which they have for destroying one another," the wild creatures "would be the most numerous Beasts in *America,* being such prodigious Breeders."[25] More than just depictions of animal curiosities, wolf stories like these provided settlers with intelligence that could be used to minimize or stop predation on domestic stock.

To the mixture of empirical evidence, native knowledge, and hearsay that made up colonial understandings of wolf biology, English colonizers added their own long history with Old World wolves. North America's gray wolf was of the same genetic stock as the Eurasian wolf that haunted European forests and folklore. Though wolves had been exterminated from much of England by the fifteenth century, tenacious holdouts were still occupying parts of the Scottish Highlands near the seventeenth century's end, and they remained in Ireland about one hundred years longer. In other parts of Western Europe, significant wolf populations persisted well into the eighteenth and nineteenth centuries, despite extensive and long-lived eradication campaigns.[26] Reintroduced to the predators in a new environment, English colonizers drew upon their wolf-hating folk traditions and their wolf-extermination experience to define their responses to American wolves.

Colonial observers recognized the regional differences in wolf morphology that modern researchers have used to assign North American wolves to different specific and subspecific categories. Although no complete

taxonomic consensus exists, many biologists have retained the east-west division, noted by Josiah Gregg and others in the nineteenth century, to sort wolves into two different subspecies: smaller and lighter-colored eastern timber wolves (*Canis lupus lycaon*) and larger, darker, plains wolves (*Canis lupus nubilus*) west of the Mississippi River. Recent studies have suggested that the eastern wolf deserves species status (*Canis lycaon*) distinct from the subspecies of northern timber wolves (*Canis lupus occidentalis*). Others divide *Canis lupus* into even more subspecies that include Arctic, Northwestern, and Mexican variants, in addition to the eastern and western types. Still other researchers have posited two distinct North American historic wolf species: the widespread gray wolf (*Canis lupus*) and the red wolf (*Canis rufus*), which occupied a somewhat smaller range in the southeast.[27] All this classification confusion is, in part, a consequence of lupine wanderlust. Scientists call this characteristic *dispersal*—the long-distance movement of individuals to find mates or to colonize vacant ranges. This allows wolves, whose travels can extend over hundreds of miles, to engage in subspecific outcrossing, thus mitigating against genetic isolation in wolf variants.[28] In short, though geographical, morphological, behavioral, and genetic differences occur in North American wolf populations, their most obvious traits are similar.[29]

Of those similarities, the animal's social organization was one that colonists found most worthy of remark. Wolves' penchant for traveling in "great companies" or hunting "in droves by night" with "dismal yelling cries" intimidated English settlers. Modern biological research has shown that wolf pack size is, in fact, highly variable, ranging from just a couple to over thirty animals in group. Wolves often hunt in cooperative groups, consisting of two to seven individuals, which allows them to bring down larger prey efficiently. Within the pack, a social hierarchy based on dominance governs relations between members. At the top of the system is a mated alpha pair, with the male partner asserting overall pack leadership and taking the initiative in matters of mating, hunting, travel, and defense. Larger packs can include juvenile family members, outcasts, or other subordinate wolves that are required to communicate their allegiance to the alpha pair through ceremonies of submission. Wolves' vocal communications incorporate whining, growling, barking, and howling. Though their purposes are not entirely clear to scientists, daily and seasonal variations in the frequency of howling sessions suggest correlations to wolves' hunting, traveling, and breeding activities. Biologists, reiterating William Wood's seventeenth-century observations, have conjectured that some wolf howls may serve to assemble pack

members as they transition from resting to hunting. Howling can also function as communication between packs to establish and maintain boundaries separating competing groups.[30]

Territoriality is another well-documented characteristic of the species. Occupying expansive home ranges from ten to five hundred square miles per individual, wolves travel widely across the landscapes they claim, reinforcing their possession through vocalization and scent marking. Urine marking, accomplished by the alpha male raising his leg to dampen tree trunks, branches, or other kinds of upright "scent posts," functions as a kind of "no trespassing" sign to stranger wolves.[31] Wolves tend to avoid such boundaries, except during times of food shortages or dispersal, since encounters between packs can be violent and are often fatal.[32] Wolves establish their ranges based on the availability of prey and pack size, laying exclusive claim to territories broad and diverse enough to supply their biological needs, yet adequately distant from possible disturbances from humans or other wolves. As pack juveniles mature, they leave their birth ranges to join other packs or colonize new territories of their own.[33]

Hunting is the pack's occupation. Their primary targets are large ungulates, such as deer, moose, and elk, though their preferred food sources vary by region, habitat, availability, and season. Wolves are opportunistic and mainly nocturnal hunters, locating their prey by scent or chance meetings. Once located, prey animals are stalked, ambushed, charged, and chased as the pack tries to identify the most vulnerable. Recent studies have shown that wolf kills are most often of injured, weakened, young, or superannuated individuals. Larger mammals such as moose or elk that stand their ground or resist can sometimes cause wolves to back down. If the targeted animal bolts, the pack pursues in an effort to get close enough to bite at the rump, nose, or flanks of the fleeing creature until blood loss or shock brings it down. In most wolf-prey encounters, however, the victim escapes, thus necessitating a number of abortive attacks before a successful kill. Consequently, wolf anatomy is adapted to a feast-or-famine existence. Downed animals are devoured quickly as wolves dive into the body cavity to gorge themselves first on large internal organs. The extent to which wolves consume what they kill appears to be mainly related to prey density. When prey is scarce, wolves consume a greater percentage of what they kill, but in times of relative abundance, they eat only the choicest portions. Wolves can engage in "surplus killing"—that is, high kill rates with low to no utilization of the resulting carcasses—under conditions where prey animals are unusually

plentiful, easily accessible, and especially vulnerable. In all, wolves' physiology, intelligence, social behavior, mobility, and predatory tactics allow them to take advantage of changing environmental opportunities—opportunities such as those offered by English colonizers and their domestic livestock.[34]

When John Lederer trekked into Virginia's western wilderness in 1669, he found himself in a dangerous and unsettled world. Pushing through thickets and brambles as he made his way toward the distant Appalachian Mountains, the explorer almost foundered in a lake of quicksand. Deep in the impenetrable woods, he heard "Bears crashing Mast like Swine" and saw "Small Leopards" in the underbrush. At night, as Lederer and his Indian guides lay by their fires, wolves gathered round close by and howled hungrily in the darkness. "The Wolves in these parts are so ravenous," he wrote, "that I often in the night feared my horse would be devoured by them."[35]

Lederer's picture of a predatory landscape was already a familiar image in seventeenth-century colonial texts, one that competed with the more pervasive vision of a rich, genial American environment. Not much more than a decade before, Edward Johnson sketched a similar scene, piling up aspersions to paint precontact New England as a "remote, rocky, barren, bushy, wild-woody wilderness" that was "a receptacle for Lions, Wolves, Bears, Foxes, Rockoones, Bags, Bevers, Otters, and all kinds of creatures." North America had been "one of the most Hideous, boundless, and unknown Wildernesses in the world," where "Wolfes and Beares nurst up their young," wrote Johnson in *Wonder-Working Providence*. But in not much more than a generation's time, English planters had improved "this poore barren Wildernesse." Gardens, cornfields, and especially, burgeoning herds of cattle, swine, and flocks of sheep were all clear evidence that the American wilderness had been transformed into "a second England." Wolves still flourished in the savage spaces they defined with their scents and sounds, but colonizers were confident their domestic livestock would graze fenced and cultivated English places into "a well-ordered Commonwealth."[36]

Beasts and Birds of Domesticall Nature

Despite the natural abundance of indigenous creatures, English colonizers always presumed that transplanted domestic animals would be crucial components of their plantations. As Thomas Harriot explained late in the sixteenth century, wild beasts might be used to sustain Virginia's colonists for the first year or so, but they would persist only with the importation of

"English victuall" and "English sorts of cattell."[37] Virginia Company officials agreed. In a 1619 letter, John Pory insisted that only three things were needed to "bring this Colony to perfection; the English plough, Vineyards, & Cattle."[38] Nothing was more important to the "healthful and prosperous estate of this Colony," accorded Virginia governor Francis Wyatt, than "the plentifull encreasing and preserving of all sorts of Beasts and birds of domesticall or tame nature."[39] Toward that end, company administrators kept close track of the animals brought to Virginia in the early seventeenth century, recording arrivals, enumerating losses, and rewarding adventurers for transporting stock.[40] The migration of English cattle, hogs, horses, goats, and sheep was essential for securing colonists' material subsistence and therefore was as important to colonial authorities as was the transportation of English men, women, and children.

The "domesticall beasts" that arrived alongside colonists were more than just sources of food and muscle power. They were also there to do much of the "wilderness work" necessary to turn disordered and wild American space into well-ordered English places.[41] Domestic livestock collaborated with their human keepers as colonizers, occupying the land and putting it to productive use. Their actions visibly changed the landscape, as "English sorts of cattell" browsed woodlands into clearings, grazed meadows into pastures, and manured fields into gardens.[42] Even more important, their physical presence staked out visible claims of possession, turning wilderness into property. English livestock carried out the "deliberate acts of transformation" that English colonizers called improvement.[43]

Improvement was the engine that drove Anglo-American colonizing enterprises. It justified seventeenth-century appropriations from Native Americans, supplanting the sixteenth-century discourse of discovery and conquest that the English, latecomers to colonizing game, had wielded less effectively than other European powers. Legitimate possession, in the English view, ultimately came to depend upon productive use, not sweeping territorial claims made by distant sovereigns or even simple inhabitation.[44] Robert Cushman laid out the legal rationale in 1622, posing the question: "What right have I to go live in the heathens' country?" Unlike England, he explained, the Indians' land was "spacious and void," and the few people there "do but run over the grass, as do also the foxes and wild beasts." Their land was "marred for want of manuring, gathering, ordering, &c."[45] Why should Englishmen struggle in their overcrowded isle, John Winthrop asked, when "a whole Continent as fruitfull & convenient for the use of man" was going

to waste "without any improvement?" Indians did none of the things to demonstrate their ownership, according to Winthrop, since they "inclose noe Land, neither have any settled habitation, nor any tame Cattle to improve the land by."[46] As such, they had none but "a Naturall Right" to the lands colonists coveted. In Virginia, William Strachey allowed Indians more of a property right, at least to the lands they used in ways the English recognized. Colonists would not take Indians' "provisions and labours," he wrote, nor "make rape of what they clense and manure." But the "wast and vast unhabited grownde[s] of their[s]," which "not one foote of a thousand doe they either use, or knowe howe to turn to any benefit," Strachey concluded, was a "great circuit, vayne and idle" that wanted only for Christians to apply their "thrift or husbandry."[47] In English terms, a vacant and idle waste was not necessarily a land uninhabited but rather a land unimproved by domestic crops and livestock.

This ideology of improvement was not simply an abstract, legalistic justification for the dispossession of native peoples in favor of a collective Crown or company claim. Improvement had to be made real through individual acts that visibly reshaped the landscape into familiar English patterns: cultivated fields for crops, pastures for livestock, and fences to enclose them. As colonial authorities in the Chesapeake tried to govern this transformation, they stressed the role of domestic stock both as a means of improvement and as evidence of English possession claims. Virginia statutes obliged colonists to keep three acres of "fully improved, cleared, and tended" pasture, with at least "three neat cattle, or six sheep or goats" for every fifty acres of barren land patented. Lawmakers stipulated that three acres of pasture kept "well cleared and fenced" for three years constituted "sufficient seating and improving" to uphold individual property claims. They also required that neat cattle be preserved on the lands bequeathed to underage heirs, since those animals were "of great advantage to orphans, for the improving [of] their lands."[48] Legal linkages between improvement and livestock keeping thus revealed colonizers' assumptions about the key roles domestic animals had to play in the kinds of ordering that defined English private property.

Those connections were forged much earlier in England during the enclosure movement that began in earnest in the fifteenth century. Drawn out and uneven, enclosure eventually reconstructed England's agricultural landscape of open fields and communal pastures into consolidated farms with absolute private ownership. As the movement accelerated in the sev-

enteenth and eighteenth centuries, supporters cited improvement—that is, raising the productive yield of lands through careful and deliberate application of capital, labor, and modern husbandry practices—as a defensive justification for converting common fields into privately owned croplands and sheepwalks intended for landowners' individual gain.[49] Seventeenth-century agricultural writers answered critics, including a displaced and increasingly rebellious English peasantry, to counter that "strange generation of men that oppose Enclosure." In *The English Improver* (1649) and *The English Improver Improved* (1652), Walter Blith argued that the principles of improvement, when properly administered, would drive productivity and rents higher—in essence, lifting all boats in a rising economic tide. Landholders could therefore enclose "without offence" to commoners. Such actions would not depopulate the countryside of its poor, he insisted. Instead, enclosure would encourage more attentive husbandry, produce more food, and raise "more profit in Sheep, Wools, Cattell, and far more Corn."[50]

The reality was not quite so rosy. A growing population and generally falling agricultural prices in the seventeenth century meant that the wealthy were far more concerned with extracting more income from their holdings than with maintaining a rural population.[51] Of the methods landowners employed to maximize their profits, the most widely known and ill famed was the conversion of arable lands to sheep pastures for the purpose of wool raising.[52] Indeed, sheep emerged as the popular animal face of the enclosure movement itself. Thomas More denounced both sheep and gentlemen in *Utopia* for the social evils attending the capitalist transformation of the English countryside, writing in 1516: "Your shepe that were wont to be so meke and tame, and so smal eaters, now, as I heare saye, be become so great devowerers and so wylde, that they eate up and swallow down the very men them selfes. They consume, destroye, and devoure whole fields, howses and cities . . . Noble man and gentleman, yea and certeyn Abbottes leave no ground for tillage, thei inclose all into pastures; they throw down houses; they pluck down townes, and leave nothing standynge but only the churche to be made a shepehowse."[53] Such critiques of privatization and the opposition of rural householders notwithstanding, by the seventeenth century a particularly English understanding of individual ownership, characterized by the productive use of improved and fenced parcels devoted to specific agricultural uses, especially the raising of sheep and cattle, was part of the legal culture colonizers transported to North America.[54]

The twin ideologies of improvement and enclosure seemed, on the one hand, well suited to an American landscape that appeared to colonizers as a boundless waste, lacking the disciplined cultivation to make it fully productive. Social and biological conditions in the Chesapeake, however, stymied colonists' initial efforts to reproduce English patterns on American terrain. An overbearing Virginia Company, a preoccupation with tobacco growing, an inadequate labor supply, a resistant native population, and aggressive diseases conspired to limit the abilities of individual planters to recreate English-style, enclosed pastures and consolidated farms. They tried, nevertheless, at least at the start. Virginia authorities, for example, regulated roaming livestock in 1639, requiring hogs to have keepers and to be confined in pens at night, but the kind of intensive animal husbandry practiced by agricultural improvers in England called for more time, effort, and resources than colonists had to spare. Averse to wasting their limited labors on "barren and over-wrought grounds," inhabitants petitioned Virginia's authorities in 1648 for permission to move north of the Charles and Rappahannock Rivers to find new and "sufficient range" to prevent "the apparent decay of their cattle and hogs." Clearing land, renovating pastures, shepherding flocks, and building fences, pens, and sties made less sense to settlers surrounded by unowned and unused space.[55]

As conditions pushed colonists toward more extensive livestock-production regimes, colonial authorities in the Chesapeake struggled to protect the domestic animals that were crucial to their projects' survival. Early efforts to maintain sufficient stocks had met with a number of disasters: cattle died at sea, livestock froze in bitter winters, and animals contracted deadly diseases and parasites.[56] Keen to preserve the cattle, hogs, and other creatures they transported, officials pursued collective actions to control and increase their herds. The Virginia Company instructed Thomas Gates to keep the company's cattle enclosed or "in heards waited and attended on by some small watch," so as to prevent them from destroying cornfields. The company reiterated those directives in 1621, advising the governor and council to "Enclose by pale & strong fences some fitting portion of our land for the keeping of cowes Tame Swyne and poultrie" in order to increase and preserve English cattle.[57] Colonists obliged, constructing palisades for their own security and to contain their animals. Ralph Hamor described some of Virginia's elaborate palisading projects in 1615. Fences enclosed twelve miles of ground for hogs, and another set of pickets, running between the James and York Rivers, turned "the neck of land into an iland."[58] Offshore

islands afforded even greater protection for stock with less effort, an idea Father Andrew White pitched to Maryland's proprietors in 1639. A large island for swine, goats, and calves, watched over by one keeper, he explained, would "in a few yeares grow upp into great flocks without any farther cost att all."[59] Establishing a local, self-reproducing, and accessible supply of "English sorts of cattle" was vital for getting fledging colonizing projects off the ground. How to do so with limited capital and labor was the question.[60]

Capital and labor may have been in short supply, but land was not. By letting their cattle, hogs, and horses loose to fend for themselves in wild spaces, colonists could minimize the work of raising fodder and building pens, sties, and pasture fences. So, despite colonizers' early attempts to enclose and contain imported livestock, most Chesapeake planters turned to free-range animal husbandry as an expedient.[61] Nathaniel Shrigley noted the practice in 1669, observing that the "planters feed not their Swine nor Cattle, but kill them fat out of the Woods."[62] The combination of free-ranging livestock and tobacco cultivation encouraged colonists to spread out thinly over the countryside. Plantations of thousands of acres were common, wrote John Clayton in 1688, for farmers were "ambitious of engrossing as much as they can, that they may be sure to have enough to plant, and for their Stocks and Herds of Cattle to range and to feed in."[63] Of course, certain animals were more amenable to free-range practices than others. Large, aggressive creatures like cattle, hogs, and horses fared reasonably well on their own. Others, especially sheep, were too fragile and timid to thrive on neglect. Chesapeake settlers, therefore, initially spent little effort on intensive English-style animal husbandry regimes such as wool raising or dairying, preferring instead to concentrate mainly on propagating hogs and cattle in the woods for meat. By the mid-seventeenth century, Chesapeake colonists had arrived at an American variation on English improvement. They did not need to domesticate every inch of the countryside in order to possess it. Instead, enclaves of English order legitimated their larger ownership claims.

English animals, themselves representatives of English order, extended colonizers' reach into the disordered spaces beyond their settlements, but roaming cows, hogs, and horses were less committed to their owners' designs. Once loosed, free-range animals often slipped the bonds of domesticity entirely by turning feral. Strays reproduced in the woods, becoming rangy and fierce, and congregating in great "wild Gangs."[64] Ostensibly owned by the company or the Crown, wild hogs and cattle came to form a valuable reservoir of resources that could be doled out to colonists by officials. The

Virginia Company, for example, allowed a Mr. Gookins "to take 100 hogs out of the forest" in 1621, on the condition that he would use the animals "to breed and increase rather than slaughter."[65] By the mid-seventeenth century, the population of animal escapees was noticeable, causing Virginia authorities to draw a legal distinction between tame and "wild" livestock. A 1642 Virginia statute made it a felony to kill a tame hog that belonged to another but decreed that those who killed wild hogs without permission would only be censured.[66] Laws made specific references to "neat cattle" and tame pigs, distinguishing them from the wild cattle and hogs that seemed to increase each year of their own accord.[67]

Ironically, the growing population of free-range and wild stock initially intended to improve colonists' possessions came to pose a threat to colonists' other main improvement effort: cultivation. To protect domestic crops from the livestock colonists had loosed on the landscape, Chesapeake legislators began to pass fence laws, requiring settlers to enclose their fields rather than their animals. If a planter failed "to make a sufficient fence about his cleared ground," whatever "trespass or damage" he might sustain by straying "hogs, goats, or cattle whatsoever" would be "to his owne losse and detriment." Other mid-seventeenth-century statutes stipulated what constituted a lawful fence: "four foot and half high, and so close that the beasts or kine breaking into the same, could not creep through; or with a hedge two foot high, upon a ditch of three foot broad, or instead of a hedge, a rail fence of two foot and half high."[68] Less burdensome to settlers than enclosing their animals, stout fences for cornfields, gardens, and orchards to stop animal trespassers were another compromise on English agrarian methods designed to take best advantage of the local social and environmental context.

Although Chesapeake planters altered English husbandry practices, they did not abandon the fundamental idea of a property right in domestic animals. Their free-range English livestock were not domiciled, but they were still owned. From time to time, colonists collected their cattle and pigs out of the woods for slaughter or temporarily housed animals for breeding and birthing. Distinctive earmarks and brands separated domestic animals from wild ones. The marks identified the private owners of individual beasts roaming the countryside. County courts kept track of livestock marks that signified ownership, and they adjudicated disputes over animal thefts and trespasses.[69]

Unlike England's livestock, these imported creatures were special forms of private property that did not stay in one place, enclosed and ordered as

they would have been on an English farm. The notched ears and marks that colonists put on their animals served as a kind of boundary instead. Though turned loose to run in the forests, the bodies of domestic livestock were to remain as legally inviolate as the colonists' enclosed fields. Carrying the marks of English possession on their ears and flanks, cattle, horses, and hogs wandered across the lines separating English domesticated places from the savage spaces beyond. In doing so, they destabilized the discursive divides between wild and tame, property and wilderness.

The lines free-range livestock crossed may have been mostly imaginary, but the conflicts they caused by their roaming were not. Take the case against Maryland planter Cuthbert Fenwick, for example. In 1653, Robert Brooke accused his neighbor, Fenwick, of killing sixteen of his hogs that were accustomed to bedding down on Fenwick's land. One of the animals lost was a valuable "Great large Bore, which defended the rest of the hogs from wolves." Brooke complained of the harm done to him and his sows by the loss of his prime breeding male. "Four of those Sowes," his petition to Maryland's provincial court alleged, "ran away to John Medleys of Newtown for want of a Bore." Brooke produced witnesses, including his servant Anthony Kitchin, who testified that Fenwick's overseer, Friendship Tongue, showed him "the Eares of Some hogs then lately killed by the Said mr. ffenwicks Servant." According to Kitchin, the hogs' ears showed Brooke's marks: "Cropt on both Eares and a hole under the Crop on the right Eare, and two Slitts in the Crop on the left Eare."[70] Fenwick denied the charges, bringing depositions from his own witnesses. Arthur Wright insisted that Fenwick had not killed Brooke's hogs but had only pointed out "some Singed Porke in a Boate" on the Patuxent River where Fenwick was intending "to Seat his plantation." Ralph Hazleton told a somewhat different story, explaining that while surveying the boundaries of Fenwick's manor, a number of hogs "came and disturbed them" during the night. Fenwick's group "killed five Sowes and barrows and one bore" and reserved the ears bearing the marks of the animals' owners. Fenwick vowed to make restitution "if any one laid Claime to them," Hazleton recalled. Yet a month later, after realizing that "Many men laid Claime to them," Fenwick concluded that the roving hogs were unowned and, therefore, fair game.[71]

Brooke and Fenwick were important, wealthy landholders in the Catholic proprietary colony. Brooke had come to Maryland in 1650 with a commission as commander of the newly organized Charles County and a grant from the colony's proprietor for two thousand acres along the Patuxent

River. Fenwick, though from a noble lineage in the north of England, had come to Maryland as a redemptioner in 1634. He served as Capt. Thomas Cornwallis's trusted aide in 1635 during the Marylanders' battle with the fur trader William Claiborne and his Kent Island "pirates." Afterward, Fenwick quickly gained his freedom and more, eventually becoming a member of Maryland's General Assembly. His Fenwick Manor, first surveyed in 1651, stood cheek by jowl with Brooke Place Manor. The conflict over Brooke's free-range hogs, then, may have been part of a larger dispute over the recent siting of both men's manors. These manors were plantations of a thousand acres or more granted by Lord Baltimore in the hopes of establishing a feudal-style manorial system and hierarchy in America. As lords of their own manors, Brooke and Fenwick likely held expansive views of their individual property rights—rights that collided when Brooke's hogs bedded down on Fenwick's lands.[72]

Conflicts like these over free-ranging livestock were commonplace in the seventeenth and eighteenth centuries as authorities tried to reconcile evolving definitions of ownership and improvement with popular notions of unrestrained access to American natural abundance. By allowing their domestic animals to roam, colonists could take advantage of native forage, but they left their stock vulnerable to theft at the same time. Livestock poaching was widespread and was not limited to those on the margins of society. Samuel Argall and Dr. John Potts, both colonial governors of Virginia at different points, were suspected of cattle stealing. Potts was found guilty of the crime in 1630.[73] In Maryland, settlers accused wood rangers, authorized by the governor to control unmarked wild cattle and horses, of taking up free-ranging, owned animals as well.[74] Hog stealing was a vexing crime, according to Virginia officials in 1661, since it was "usually committed and seldome or never detected or prosecuted in this colony." They decreed that any person who brought home a hog without its ears "shalbe adjudged a hogg stealer."[75] The colony upped the penalties for hog stealing in 1679, which was "dayly practiced to the great damage of the inhabitants." Any two-time offender would "stand in the pillory two howres, and have both his eares nailed therto." The punishment ended by cropping the thief's ears. A third instance of hog stealing was tried as a felony.[76]

Even thornier were livestock thefts committed by Native Americans. Unlike the colonists, Indians saw little practical difference between the indigenous creatures they hunted in the woods and colonists' wandering cattle

and hogs. Virginia Company officials took a hard line at the close of the Second Anglo-Powhatan War in 1632, ordering commanders to attack any Indians found "lurkinge" about English plantations who might "molest or offend hoggs or any thing else."[77] Maryland's authorities sought to restrict the movements of the Yoacomoco and Matchoatik Indians south of the Potomac River who took "the liberty of hunting herein St. Maries & Charles Countys not only to the utter destroying of the Game" but also to "the disturbance of the Hoggs and Cattle" there.[78] Virginia's planters likewise complained about the "thefts committed dayly on the south side of [the] James river by the Indians, as stealing of hogs . . . tobacco and corn out of the fields." To combat this "mischeife by Indians," lawmakers in 1674 required Native Americans in the Chesapeake to mark any hogs they kept (and record the marks with county courts) to prove they had not been stolen from colonists.[79]

Particularly galling to Native Americans was that while colonizers jealously guarded their own property—no matter how far it roamed—they were less concerned about preventing animal trespasses on native lands. English livestock intruded into Indian fields, often becoming nuisances to farmers, fishers, and gatherers. Native peoples loathed the imported creatures, according to Roger Williams, and called English swine "filthy cut throats" and the "most hateful" of all domestic livestock, due to their destructive habits.[80] Indians lodged complaints with colonial authorities about the cattle and hogs that ruined their cornfields and threatened their subsistence. Officials usually answered these complaints by encouraging Indians to fence their fields for their own protection. A petition presented to Maryland's provincial court in 1663 asserted that "a Stock of horses & mares lately belonging unto Mr. Edward Prescott" were running at large, committing "dayly Injury unto the Indians." The petitioner requested that the inhabitants of nearby towns "help the said Indians to make a sufficient Pownd, or fence well closed" into which they could drive "all such hoggs, Cattle, and horses, as shall any wise damnify them in their Corne fields."[81] Native peoples in Virginia made similar protests about colonists' uncontrolled livestock. Authorities there took some action in 1661 to prevent Col. Moore Fauntleroy—who had soured relations by extorting tribute from "the king and great men of Rappahannock"—from allowing his hogs to do further damage to the Indians. Fauntleroy was ordered to "keep one hog-keeper" until a fence could be constructed to protect Indian crops.[82] Colonists' occasional recognition and restitution for native grievances, however, did little

to assuage Indians' concerns. The free-roaming livestock that trampled cornfields and rooted up gardens appeared in Indian villages as a first wave of English colonizing, animal pioneers whose destructions diminished native sovereignty and control over the land.[83]

Colonization by free-ranging animals was not a purposeful English plan. Once freed of their enclosures, cattle, hogs, and horses followed their own agendas more often than they did English ones. Feral beasts made poor improvers. On the contrary, their actions sometimes threatened to undo the "wilderness work" colonizers tried to accomplish. "Unrulie" livestock broke into fenced fields, destroyed crops, and barked fruit trees. By the end of the seventeenth century, Chesapeake lawmakers began to enact statutes holding owners accountable for damages to improvements caused by their trespassing animals.[84] Authorities also worried about the visible degeneration of English livestock caused by free-ranging animals' indiscriminate interbreeding. In Virginia, an act "to restrain the keeping too great a number of Horses and Mares, and for amending the breed" required owners of stallions less than thirteen hands in height to keep them penned to prevent them from reproducing undersized foals. Colonists without a freehold or tenancy on fifty acres or more were forbidden by this 1713 statute from owning any intact stallions or mares. Smallholders were allowed to keep only one gelding or spayed mare for their use.[85]

Even more troubling to English authorities was the possibility that the American environment was weakening colonists' commitment to improvement. The animal husbandry practices Chesapeake settlers adopted over the seventeenth and eighteenth centuries seemed, to many observers, lacking in that vital element of English colonizing. In 1688, John Clayton reported that, though "vast Improvements might be made" to Virginia's rich meadow soils, planters chose instead to cultivate only the barren high grounds, leaving "the richer Vales unstirr'd" for the free-range grazing of their cattle.[86] Robert Beverley delivered an even sharper criticism of settlers, complaining that Virginia's planters did little to improve their naturally rich surroundings. He concluded his 1705 work, *The History and Present State of Virginia,* with a pointed rebuke:

> The Sheep increase well, and bear good Fleeces; but they generally are suffer'd to be torn off their Backs by Briers, and Bushes, instead of being shorn, or else are left rotting upon the Dunghil with their Skins . . . The Beeves, when any Care is taken of them in the Winter, come to great Perfection.

> They have noble Marshes there, which, with the Charge of draining only, would make as fine Pastures as any in the World; and yet there is not an hundred Acres of marsh drained throughout the whole Country. Hogs swarm like Vermine upon the Earth . . . The Hogs run where they list, and find their own Support in the Woods, without any Care of the Owner . . . These and a Thousand other Advantages that Country naturally affords, which its Inhabitants make no manner of use of . . . Thus they depend altogether upon the Liberality of Nature, without endeavouring to improve its Gifts, by Art or Industry. They spunge upon the Blessings of a warm Sun, and a fruitful Soil . . . I should be asham'd to publish this slothful indolence of my Countrymen, but that I hope it will rouse them out of their Lethargy, and excite them to make the most of all those happy Advantages which Nature has given them.[87]

The agricultural patterns taken up by Chesapeake planters in the first century of settlement seemed to be hardly patterns at all; they certainly were not the enclosed, controlled, and well-ordered designs of English improvement. The ramblings of English livestock called into question this central legitimating ideology of English colonization. Were free-range animals really improvements?

At the very least, improvement had taken a decidedly different shape in America. The clear conceptual divides between wild and domestic underpinning the ideology of improvement seemed to dissolve in the Chesapeake. The confusion crept into colonial legal discourse itself at times, as in the 1702 Maryland statute that referred to "wild neat cattle and horses"—in other words, cattle and horses that were both domestic and wild.[88] Although colonists sent their domestic livestock out into the woods and river bottoms, they retained their claims over them.[89] Imported animals thus made permeable the boundaries between colonizers' owned, ordered, and improved places and the savage spaces outside. Their movements extended English possession claims and improving impulses into the wilderness. But this was not a one-way migration. Wildness just as easily seeped into English places—into plantations, farms, and livestock—and threatened to undo the ties of domesticity. Wolves and other predators brought wildness home to Anglo-American colonizers and forced settlers to reevaluate the efficacy of individual improvement as a colonizing technology. The questions wolves provoked about improvement would become ever more acute as colonizers pressed westward into Virginia's mountainous and predatory backcountry.

Those Pernicious Vermin

Westmoreland County justices knew there was a problem. They had been "incessantlie importuned by the Inhabitants" of the Northern Neck county in 1688 "to take some speedie Care" to eliminate "those pernicious vermin Woolves which prey not only on sheep & hoggs, but alsoe on cattell & colts." Granting "the designe & difficulty of their totall extirpation," county officials took steps nevertheless to effect a "demunition" in the predator population. A substantial reward of three hundred pounds of tobacco would be paid out of the county levy to anyone who killed a wolf within the bounds of the county.[90] Across the bay and some ten years earlier, inhabitants of Northampton County had been pestering their lawmakers about wolves as well, yet their complaint was quite different. In a 1677 grievance to the House of Burgesses, Northampton residents asked for a repeal of the county tax that paid bounties for killing wolves, bears, wild cats, and crows. These inducements did not work, the grievants claimed, "since no man butt will for his owne good & security Indevour to ye utmost to destroy as many as they Cann." Paying planters to kill predators and pests was an unnecessary expense, because it was in their interests to eliminate the noxious beasts around their properties, and they would exert no more effort in the project than was necessary to protect their own possessions. Lawmakers reluctantly conceded to Northampton's request, rescinding the county's bounty law, while defending the broader social benefits of such environmental legislation. "The act for killing of wolves is repealed," Virginia's colonial officials responded, "but in our humble opinion might well have bin continued since what wolves or wild creatures are Killed in any part of the Country thereby are the fewer in the whole or in generall."[91]

The contradictory requests from Northampton and Westmoreland counties in the late seventeenth century were but a small part of a larger and longer debate about the control of indigenous predators and pests. Of those creatures, wolves figured prominently in the colonial discussion, since their predations on settlers' domestic animals seemed the most dramatic and personal attacks. Though wolves and livestock met in confrontations, they also strangely worked in concert, their combined actions undercutting imported English ideologies of improvement. Wolves forced colonizers to rethink the simple linkages between improvement and possession first forged in Britain. Settlers' experiences in Virginia—especially as they moved into the generally uncultivable Appalachians in the eighteenth century—suggested

that individual acts of cultivation carried out in a piecemeal fashion were not enough to secure colonial claims.[92]

Free-range livestock, mobile property enclosed only by the imaginary lines of law, crossed into the wild territories claimed by wolf packs. Emboldened by colonists' tasty additions to the landscape, wolves adapted and became trespassers themselves, not only killing roving stock but also sneaking into farmers' pastures to snatch unwitting sheep, as well as calves, foals, and piglets. Colonizers realized that combating these depredations would require collective actions to improve the wilderness without cultivating or domesticating it, for the wilderness was still valuable as a source of unowned natural wealth. Savage spaces had to be ordered in new ways to reinforce the increasingly nebulous divide between wild and domestic spheres. Indigenous creatures, like wolves, that were likely to breach the Anglo-American legal fictions that divided wilderness from property could not be tolerated. As wolves and livestock acted in ways to decouple improvement from enclosure, possessive individualism, and private property, colonizers used law to separate owned English places from wild American spaces.

In the Chesapeake, as in other parts of British North America, authorities took early legal steps to control wolves. A 1632 Virginia law allowed colonists hunting privileges in common woodlands and wastes so that "wolves and other vermin" around English plantations would be destroyed. To encourage wolf hunting, the statute allowed settlers one wild hog for each wolf they killed.[93] Subsequent bounty laws focused almost exclusively on wolves, citing the "frequent & many injuryes done by wolves to the cattle & hogs of several inhabitants of this country."[94] These laws implicitly acknowledged that wolves' actions had influenced colonists' choices in livestock, since mentions of sheep were conspicuously absent. Thomas Glover made the connection explicit in 1676, writing that Virginia's inhabitants kept few sheep, "being discouraged by the Wolves, which are all over the Countrey, and do much mischief amongst their flocks."[95] Once wolf-eradication efforts began, however, Virginians' stock-keeping habits slowly changed. In 1688, Clayton noticed that "most Persons of Estate" in Virginia had started to keep small flocks. The colony's lack of sheep had raised the value of mutton, which was considered "a finer Treat than either Venison, Wild-goose, Duck, Widgeon, or Teal," according to the clergyman.[96] Until wolves were eliminated, Virginia's fields would not be fully improved with sheep.

Although colonizers agreed that wolves should be eradicated around English plantations, there was less of a consensus on the best means to do

so. Consequently, vermin-control statutes became the most common type of seventeenth- and eighteenth-century environmental regulation. Authorities enacted, amended, repealed, and revived numerous laws encouraging the destruction of indigenous pests and predators, especially wolves, as they cast about for an efficient legal remedy for "pernicious" and "vexatious" vermin. Colonial officials, like those responding to the Northampton County grievance, were skeptical that individual landowners could, or should, be required to tackle this task on their own. Who was responsible for removing "from the common woods" the disorderly wild beasts that destroyed individual colonial property?

The early wolf-eradication laws established in Virginia and Maryland were generally limited in their methods compared with the predator-control statutes enacted in the more compactly settled northern colonies. Colonial leaders in New England assigned the charges for the killing of wolves to those who had the greatest interest in their destruction. Laws in Massachusetts and Rhode Island established wolf-bounty payments based upon the numbers of livestock held by each farmer. Constables assessed landowners, demanding "every man to pay for it according to the state of his cattle."[97] By the 1640s, Rhode Island and Massachusetts had shifted some responsibility for predator control to the towns, requiring each village to build sufficient wolf traps. Lawmakers in Rhode Island even barred inhabitants from deer hunting in surrounding woodlands for a space of two months in 1646 in order to better attract wolves to the baited traps.[98] Magistrates in Rhode Island also appointed wage-earning wolf catchers, while the selectmen in Massachusetts towns procured hounds for wolf hunting.[99] In contrast, Virginia and Maryland did not tax colonists according to the number of livestock they owned. Nor did authorities mandate the construction of traps, although settlers sometimes dug wolf pits or set baited guns to kill the predators. Instead of sponsoring collective projects to eliminate wolves, authorities commonly offered inhabitants of the widely spaced Chesapeake plantations individual rewards, funded by a public levy, in the hopes that money would encourage settlers to extend their predator-eradication efforts.[100]

Chesapeake colonizers also sought to broaden predator-control responsibilities to Native Americans. John Martin made this argument in 1622 to Virginia Company officials. In his proposal for "howe to bringe in the Indians into subjection," Martin suggested that it was not in colonists' interests to "make an exterpation of the Savages yet." Indians had "kept downe ye woods

and slayne the wolves, beares, and other beasts," and without their efforts, settlers would be "more oppressed in short tyme" by predatory beasts. For the security of planters and their cattle, Martin concluded, it was better to allow friendly Indians to live among the English, at least until the animal hazards in the wilderness could be contained.[101] Colonial authorities concurred, and they tried a variety of strategies throughout the seventeenth century to turn Indians' customary hunting activities toward concerted efforts to eradicate predators. In an attempt to effect a wholesale change in Indian-animal relations, Virginia legislators decided in 1656 to give Indian villages a cow for every eight wolves' heads brought in by inhabitants. Turning Indians from hunters to herdsmen would "be a step toward civilizing them and making them Christians," argued authorities. Wolf killing would replace warfare in this new scenario, providing Indian men with "something to hazard and loose besides their lives."[102] Maryland introduced a measure in 1674 allowing colonists to employ Indians to kill wolves without first securing official permission.[103] Native Americans who brought in wolves' heads to Chesapeake authorities were variously rewarded with match-coats, cloth, livestock, or tobacco in order to encourage further killings.[104]

Lawmakers found that they had to offer significant inducements for wolf hunting, since native peoples generally found the idea of eliminating an entire species strange. Indians killed wolves only when individual animals became nuisances to their own hunting activities.[105] When Native Americans appeared unmotivated to carry out the wholesale slaughter colonists desired, authorities took a more forceful approach, replacing economic rewards with legal punishments. Virginia legislators, concerned that "noe fitt way or temper" had been "found for the destruction or diminishing" of wolves, demanded in 1669 that Indian tributaries be annually assessed one wolf's head for every five bowmen in a tribe. Failure to comply would result first in a warning and then in a court action for contempt. Under this system, the tribes neighboring the English plantations were to kill nearly 150 wolves per year or suffer the unspecified legal penalties. Virginia authorities offered to reward Indian towns with tobacco for killing more than their quota of wolves.[106]

Whether through reward or coercion, encouraging Indians to kill predators often proved to be more trouble than it was worth. Virginia's assembly raised concerns in 1666 that the wolves' heads Indians brought into frontier counties were likely killed so far from plantations that the beasts were never threats to English livestock. Officials also suspected that Indians routinely

brought in wolves killed outside county boundaries for the rewards county treasuries paid. Virginia's 1669 statute that required tributary Indians to produce a specified number of wolves' heads was repealed the next year for not having produced the desired effects. Some county courts denied Native American hunters the rewards authorized by wolf-bounty laws. Throughout the seventeenth century, colonial authorities wavered between offering Indians bounties to encourage or force wolf hunting, and abolishing the rewards when it seemed the system was vulnerable to abuse. For native hunters, collecting wolf bounties from county courts became an excessively complicated process, requiring an application for a certificate from a justice of the peace and, if fraud was suspected, sworn testimony that the wolf was killed within county lines. The cumbersome system and the reluctance of county officials to pay rewards to Indians undoubtedly dissuaded native wolf hunters from attempting to claim bounties. As a consequence, few Native Americans engaged seriously in colonial wolf-eradication projects.[107]

More successful were attempts to persuade colonists to destroy predators. A number of Chesapeake statutes established varying rewards for wolves' heads, paid in cash, wild swine, or, most often, in pounds of tobacco. Bounties ranged from one hundred to two hundred pounds of the cash crop. Eventually, county commissioners gained the power to augment or set the standard premium at their own discretion.[108] Colonists took advantage of the incentives, regularly killing wolves and collecting rewards. Midcentury court records from Charles County, Maryland, for example, note anywhere between ten and twenty-seven wolf-bounty payments per year. Similar amounts were paid out in other Maryland counties, with individual colonists usually receiving rewards for one or two wolves' heads at a time. The bounty payments wolf killers received were raised, as lawmakers stipulated, from inhabitants in the county where each wolf was killed.[109]

By midcentury, those county levies began to provoke complaints from many Chesapeake settlers who believed the colonial governments unfairly taxed them for predator control. Town and county treasuries, overburdened with bounty claims, often sought to reduce or eliminate the premiums altogether. At times, lawmakers sought alternatives to a general tax to fund the rewards. Virginia lawmakers connected the "great taxes which of necessity must be layd upon the country poore men," and the "usual damage by unruly horses," to shift the costs of wolf eradication to horse owners in 1662.[110] Authorities repealed the statute three years later once they found that the

law imposed a greater burden on frontier counties, which had "the most wolves killed, and fewest horses to beare the charge."[111] A 1671 Maryland act assigned general fines paid to the Lord Proprietary to be used to defray the costs of wolf bounties.[112] These and other schemes to distribute fairly the costs of wolf eradication usually failed to mollify colonists.

Many settlers were convinced that the wolf-bounty system was too easily defrauded. By offering rewards, colonial authorities had, in essence, commodified wolves, creating a market in predator scalps. These financial rewards, many argued, encouraged colonists and Indians to bring in wolves killed in spaces far from English plantations. Frontier settlers in Virginia claimed their taxes were "very much inhanced" because some inhabitants purchased wolf heads from Indians and submitted them "for lucre of the encouragement given by [the] act."[113] Colonial towns found that market-savvy hunters were clever enough to take their wolves to the highest-paying jurisdictions, thus draining the public funds of those townships and counties. Moreover, so long as bounties were to be had, hunters had no incentive to eliminate wolves entirely. Some wolf killers preserved breeding females to ensure a steady flow of reward money. To combat these devious practices, authorities added a variety of stipulations to wolf-bounty statutes. Bounty laws began to require hunters to swear an oath that the wolves brought in for payment were not killed outside of the county nor purchased from the Indians. County justices were required to burn submitted wolf heads or remove the ears and tongues in order to prevent the resubmission of old heads. Lawmakers set higher rewards on mature wolves and females to offset hunters' motives for preserving breeding stock.[114] In the eighteenth century, Virginia lawmakers demanded that bounty claimants swear a new oath: "I have not wittingly or willingly spared the life of any bitch wolf in my power to kill."[115] All these measures, however, did little to convince settlers that the costs and benefits of wolf bounties were always fairly distributed.

Colonial authorities usually supported wolf-killing rewards. "Frequent experience" had shown them that repealing these acts took away "the encouragement which incited many people to use their best endeavours and industry to distroy" the wolves that "greatly increase[d] in number."[116] That increase was in no small way a result of English improvement efforts. Colonists' destruction of deer and other small game and their introduction of domestic livestock altered wolves' actions. Predators found new food sources among the English herds and flocks. Farmers certainly had individual incentives to dispatch the wolves that preyed upon their own hogs, sheep, and cattle,

but to prompt "Subjects . . . Servants and Slaves to take some pains and make it their business to destroy wolves" required a more general effort.[117] As the seventeenth century turned into the eighteenth, colonial authorities in the Chesapeake renewed their commitments to predator control and underscored its importance as a common good. Responding to complaints of overtaxation from "the Inhabitants of the Frontier Countys where wolves [were] most numerous," Virginia's lieutenant governor Alexander Spotswood lessened wolf bounties in 1715, but he argued that the charge for "destroying those noxious Creatures" ought to be shared by "the whole Country in General."[118] Wolves had convinced colonial leaders, at least, that it would take collective action to advance English improvements into the wilderness.

Despite the uneven progress in colonial wolf-eradication programs, English planters in the Tidewater counties were able to reduce predator populations substantially by the first half of eighteenth century. A French traveler in Virginia noted the environmental change, writing that although "the only robbers planters fear on their account are the wolves," government bounties had worked to make the beasts "quite scarce."[119] On the Eastern Shore, the last wolf bounties were claimed in 1676. Wolves were gone from Virginia's Lower Peninsula by 1719 and from the Middle Peninsula and Northern Neck by 1740.[120] As wolves disappeared, sheep became more common sights on the landscape. Inventories from the early eighteenth century recorded sizeable flocks in a number of eastern Virginia estates.[121] It seemed clear that bounty laws, though imperfect, had protected the individual animal improvements that guaranteed colonists' possession claims. Without wolves, the countryside was visibly improved.

Not surprising, then, were colonial authorities' decisions to use the law to eradicate other wild creatures endangering domestic agriculture. In the eighteenth century, bounty laws expanded to encompass such vermin species as squirrels, crows, foxes, and blackbirds. On the Eastern Shore and in the Northern Neck counties, where tobacco production had earlier given way to a grain-based economy, squirrels and crows took over as the primary pests plaguing farmers. Virginia and Maryland statutes first enacted in the 1720s and 1730s assumed an aggressive stance, mandating that each taxable inhabitant submit anywhere from three to six squirrel scalps or crows' heads annually. Those who failed to produce the required scalps were fined.[122] In years when depredations from marauding crows and squirrels increased, officials authorized payments of additional bounties for those who submit-

ted more than their required quota.[123] Colonists, for the most part, complied with the dictates of these animal-eradication laws, delivering in Virginia 778,432 squirrel and crow scalps between 1728 and 1775.[124] That these acts were in force for limited terms, usually three years, however, meant that farmers' problems with prolific and highly mobile pests routinely reappeared. At the end of the century, authorities were still receiving appeals, such as those from James City County in Virginia in 1796, that complained of the "great destruction in crops of Indian corn" caused by crows. It was likely, county residents reported, that the birds would "become so numerous as to render it almost impossible for cultivators of that valuable grain to save one half their crops."[125]

After nearly two centuries of legal manipulation of the faunal environment, it was not unreasonable for Chesapeake farmers to look to the government for help. The actions of vermin species compelled legislators to understand improvement in the American context as both an individual and a collective responsibility. They crafted laws that, as Thomas Jefferson wrote in *Notes on the State of Virginia* (1785), "descended to the preservation and improvement of the races of useful animals, such as horses, cattle, deer," as well as "to the extirpation of those which are noxious, as wolves squirrels, crows, and blackbirds."[126] But the law did not force the extermination of indigenous predators and pests everywhere. Some creatures adapted and persisted even in well-settled places. Others retired to the undomesticated margins, backcountry thickets, and highland forests where they continued to unravel the ties between improvement and possession. As English colonists marched westward into a seemingly disordered wilderness, they reencountered wolves on new wild-animal frontiers. In Virginia's mountainous backcountry, where English-style improvement could find little purchase, wolves provoked new questions about the legalities of possession that troubled colonizers well into the nineteenth century.

Those questions became particularly relevant in the eighteenth century, when colonizers attempted to bring their English order to the Blue Ridge chain and the valleys, mountains, and high plateaus beyond. Virginia's western frontier embraced an extensive territory, encompassing diverse natural environments with varied topographies. The rocky ridges, forested hills, and steep stream hollows of the Appalachian landscape were a far cry from the gentler coastal plain and piedmont regions colonists first encountered.[127] In the seventeenth century, John Lederer identified "the Mountains" as a distinct physiographic region, clearly different from what he

called "the Highlands" or the Piedmont. The "*Apalataen* Mountains, called in Indian *Paemotinck,*" Lederer wrote, were "barren rocks, and therefore deserted by all living creatures but Bears." The ascent to the top of the Blue Ridge was "so steep, the cold so intense," and the mountains beyond so far reaching, that Lederer refused to continue onward, "having no encouragement from that prospect to proceed to a further discovery." After Lederer, few English explorers ventured into the mountains until the eighteenth century. What Virginians knew about the Appalachians even in 1720s was largely "Conjectural Geography," according to William Byrd. What lay beyond the mountains was an even greater unknown.[128]

By the 1730s, American settlers had gone further than Lederer, pushing into the Shenandoah Valley from the east and the north to colonize the sprawling western counties that the colonial government had just begun to sketch. In 1738, the counties of Augusta and Frederick covered that territory, creating a jurisdictional space extending from the Blue Ridge Mountains and terminating at the undefined "Western limits of Virginia."[129] Scotch-Irish immigrants and Germans from Pennsylvania settled only on the easternmost fringes of the frontier counties, along the Shenandoah River. They were later joined by out-migrating yeoman farmers and speculators from Virginia's eastern counties.[130] As the migrants established their farms in the Shenandoah Valley and the surrounding hills, the landscape began to appear far less barren to colonizers' eyes. Andrew Burnaby depicted the Great Valley in 1760 as an idyllic haven set amid romantic hills. The inhabitants of the area, who lived "far from the bustle of the world," enjoyed "the most delightful climate, and richest soil imaginable," Burnaby declared. Surrounded by "beautiful prospects and sylvan scenes; lofty mountains, transparent streams, falls of water, rich valleys, and majestic woods," the citizens enjoyed "health, content, and tranquility of mind." The farmers in the valley, Burnaby noted, made their livelihoods by growing crops and raising stock. The work of improvement had begun.[131]

Colonial officials encouraged this work, believing that "the strength of this colony, and its security upon the frontiers, and his majesty's revenue of quit-rents" were likely "to be much increased and augmented" by the extension of English settlement. As an incentive, in 1738 Virginia's legislators exempted inhabitants of the newly formed western counties from the payment of public levies for a space of ten years. One proviso of that act was that Augusta and Frederick County residents could not claim rewards for killing wolves within those counties.[132] Wolves, though, were not quite as willing

as the colonial authorities to give frontier settlers even a momentary respite. Their depredations discouraged stock raisers, and their persistence dismayed observers well into the late eighteenth century, according to the Methodist bishop, Thomas Coke. In his travels along the eastern lee of the Blue Ridge, he found that, although the region was more populous than he had expected, the wolves came "to the fences at night, howling in an awful manner," and they still threatened colonists' straying sheep.[133] Wolves proved once again that English animals could not so easily colonize wild spaces.

To combat wolf depredations, frontier farmers in Augusta and Frederick Counties petitioned the Virginia Assembly for a reinstatement of the public levy in 1744. A tax of two shillings a year was laid on each tithable person for the purpose of "hiring persons to destroy wolves, and for other public uses."[134] One year later, lawmakers set a bounty of six shillings for every old wolf and two shillings and sixpence for every young wolf killed in Frederick County, while promising to raise the rate the next year to ten shillings for old wolves and five for young ones.[135] A colony-wide reward of one hundred pounds of tobacco was instituted in 1748. Legislators returned again to the issue of wolf bounties in 1764, noting that the rewards paid in the western counties, where inhabitants were allowed to discharge their tobacco dues in money, were effectively lower than the rewards paid in eastern counties. Colonial authorities insisted, as they raised the payments given in frontier counties, that the discrepancy in bounty payments was an "injustice to

Of the Wolves and the Sheep. An illustration from Thomas Dilworth's *A New Guide to the English Tongue* shows vicious wolves attacking defenseless sheep in a field. The accompanying fable warns, "Make no friendship with an ill-natur'd man" (Philadelphia, 1770). Photo courtesy of the Library of Congress Prints and Photographs Division.

individuals" who made it their business to kill wolves and was "of no advantage to the publick."[136]

The Revolutionary era brought little change to the patterns of predator-control legislation. Authorities remained willing to use public funds to support wolf-extermination efforts as settlers worked to improve Virginia's western frontier. In 1782, legislators allowed for an increase in wolf bounties in more than a dozen western counties that had been carved out of Augusta and Frederick.[137] The higher reward was an acknowledgement of the particular animal challenges that human inhabitants faced in this new, wilder environment. English colonizers' seventeenth-century successes with wolf eradication on the Atlantic coastal plain suggested to them that these measures would be equally effective in the western mountains. By the end of the eighteenth century, some evidence in the Shenandoah Valley seemed to bear out that contention. Though the surrounding countryside was quite wild, reported one traveler in 1791, there were in the river valley "many well-stocked farms." Ranging on the hillsides were "strong, long-wooled sheep, not afraid of wolves during the summer." Indeed, the author noted, "such war is made upon the wolves that even in this heavily timbered country there is little danger from them except when snow lies deep upon the ground."[138] To this casual observer, it appeared that settlers' efforts to control predators had transformed the wilderness. Farmers' animal improvements had already brought a domestic order to the landscape.

The inhabitants of Virginia's trans-Allegheny counties thought otherwise. Improvement was no easy matter in the mountains and on the Appalachian Plateau, where cultivatable farmland was hard to come by. The mountainous terrain and grassy fields were not the best for crops, according to the residents of Rockbridge County, but were instead "particularly calculated for the raising of sheep."[139] Though the woods, fields, and stream bottoms could nurture sheep, hogs, and cattle, those spaces were even better suited to indigenous wild creatures, especially wolves. Farmers in far northwestern Ohio County pointed out that "sundry parts of our county" were "mountainous and barren," thus affording an "abundance of harbor for wolves and other beasts of prey."[140] Driving predators from their remote haunts would take extra effort. Faced with a landscape of spaces that resisted familiar forms of English improvement, many colonists began to agitate for more aggressive wolf-killing operations.

From the 1780s to the 1830s, petitioners from more than a dozen Blue Ridge, Appalachian, and trans-Appalachian counties asked the Virginia

legislature for increased wolf bounties. After a local bounty law expired in 1785, Hampshire County residents claimed that "few persons are induced to take the time and trouble necessary" to hunt down and destroy "such a pernicious and Destructive set of animals."[141] If greater rewards were offered, a similar 1798 petition from Monongalia County read, "hunters and trappers [would] devote part of their time in subduing those Wild Dogs." Without revisions to the law, county inhabitants would "labor under a very Great Disadvantage," losing their sheep and hogs to "those Ravenous Vermin."[142] In Greenbrier County in 1803, petitioners deemed the damage to domestic livestock caused by "wolves and other noxious animals" to be "exceeding prejudicial." An increase of three dollars for each grown wolf killed, the complainants believed, would "encourage persons to exert themselves in destroying them."[143] Wolf-bounty proponents realized they could hack out of the wilderness individual pockets of improvement, but the ultimate success of their farms depended on their ability to utilize the uncultivable and unenclosed ranges already occupied by wild predators. Without a broader collective and state-supported effort to remove noxious beasts from the rugged wilderness outside their property lines, wolves would continue to challenge, invade, and eat colonizers' possessions.

Not all agreed, however, that wolf hunters needed additional encouragements. Legislators rejected the turn-of-the-century proposals from Hampshire and Ohio Counties, though they supported those from Monongalia and Greenbrier. More significantly, other petitioners from a number of western counties asked for wolf-bounty laws to be repealed in the early nineteenth century. Some considered the costs of the extra rewards allowed in the sprawling, sparsely populated Appalachian counties "extremely oppressive." Inhabitants of Lee County in the southwestern tip of the state complained that it was "oppressive that the community should be bound to pay large sums annually for the killing of wolves, without receiving the benefits it was intended to convey." No one, their memorial insisted, had been "induced by the said reward to make the killing of wolves a business, or to pay farther attention to it than is consequential to the interest the farmer takes in the preservation of his particular stock from the ravages of these animals."[144] Next door, Washington County residents likewise objected to rewards of six dollars for dead wolves, especially since an unusually large number of wolves had been killed in their jurisdiction. The petitioners suspected unscrupulous hunters of driving wolves into the county not only from the counties adjacent, where reward amounts were less, but also from

Tennessee, which paid no bounties at all.[145] Lawmakers found these arguments compelling and marked their requests reasonable.

Conflicts over wolf bounties simmered in the trans-Appalachian county of Harrison for most of the first decade of the nineteenth century. An 1804 petition from the county agitated for the repeal of the 1802 bounty law on the grounds that payments were "oppressive and injurious" to its overtaxed citizens.[146] On its heels came a counterpetition from others in the county, asking to retain the rewards or, perhaps, increase them, as "it would answer the County in general to raise the price."[147] One year later a group of residents again asked for the bounty law to be rescinded. They were answered in two angry counterpetitions protesting the request. It was only "the Citizens of Clarksburg and those in the Center of the County" who wanted the bounty law repealed, the counterpetitioners claimed. In fact, the inhabitants of the "Remote part of the County knew nothing of such a petition going forward untill our Representatives had set out for Richmond." Believing that state officials desired "to Do Jussice to Every Part of the County," the pro-bounty contingent demanded a say in the matter. "Those who are the onley suferers by those Devouring anamulls" had not the power to resist the repeated attempts by other segments of the county to eliminate wolf bounties.[148] Their appeals, however, fell on deaf ears. Virginia legislators repealed Harrison County's bounty law in 1806.[149]

Place and space were clearly at issue in the Harrison County argument over wolf bounties. The petitions for repeal originated with residents at the county seat, Clarksburg, and its environs—a relatively more populated and well-ordered place. Support for wolf-bounty laws came from residents in the "remote part of the County," nearer the mountains, where disordered, wild spaces still harbored noxious beasts. The counterpetitioners had little hope that Clarksburg's citizens could empathize with their plight; the distance between them was too great, the environmental contexts too different. They were "the onley suferers by those Devouring anamulls" whose ranges overlapped settlers' wild pastures. The far-flung space covered by Harrison County in the early nineteenth century hampered, as well, the counterpetitioners' ability to appeal changes to the law. They only belatedly discovered the actions taken in far-away Clarksburg to repeal the rewards, and they could not assemble themselves in time to object to the measures before their representatives set off for the even more distant capital. These unmanageable distances led to demands from backcountry residents, including a number of the signatories to the wolf-bounty counterpetitions, for a

division of the county in 1805, in 1807, and again in 1808. The "power of our eastern brethren," they declared, made it impossible for their interests to be equally protected.[150]

By the time Virginians reached the Appalachian chain, they had developed an appreciation for American wild spaces. Open-range animal husbandry relied upon such unenclosed and unowned territories. In a rugged environment where cultivation of domestic crops was limited, the availability of free forage for livestock was especially valuable.[151] Petitioners from Grayson County made that clear in a protest against the North Carolina free-rangers who grazed their livestock on the county's fields. The county's inhabitants were "indigent." Their lands were "generally poor and Mountainous and their Welfare Greatly Depend[ed] on the Wild pastures for assisting them with their poor lands."[152] Residents of South Branch Manor similarly argued that they needed "the Benefit of Mast" in the forest for their free-range hogs.[153] Opening spaces in the wilderness for domestic animals to roam, particularly in the Appalachian ridges and valleys, had become almost as crucial as defining places for settlers to possess.

Animal spaces, whether domestic or wild, fit poorly into an English colonizing process that proceeded on the legal and physical creation of place. Free-ranging hogs, cows, and sheep were no better respecters than were wolves of those places Anglo-Americans called property. As a result, heated disputes over roaming livestock in the Virginia backcountry arose as a parallel debate, developing alongside wolf-bounty controversies in the eighteenth and nineteenth centuries. Flurries of petitions charged livestock owners with great damages done to the streets, lots, and gardens in fledgling western Virginia towns. Hogs running at large rooted up the riversides, made thoroughfares filthy, pestered travelers, and brought plagues of fleas into towns. Townspeople appealed to the legislature for laws to prevent hogs, sheep, fowl, and horses from running at large. Counterpetitions argued, sometimes disingenuously, that wealthy landowners and influential proprietors were behind those appeals. Such powerful persons were interested only in monopolizing river bottoms, forests, and watering places for their own stock.[154] The Giles County town of Pearisburg, for example, was "situated at the foot of a Large Mountain which affords a good and extensive Range for stock," according to the self-styled small farmers in the county. Rules concocted by the town's trustees, however, deprived residents of "the common rights and Liberties of other citizens of their county and state." Trespasses by their livestock were only "accidental" and could not be

prevented without keeping the animals enclosed at all times—clearly an unreasonable expectation from the farmers' perspective.[155] The benefits to rural families and the landless poor of increasing populations of domestic livestock far outweighed any coincidental damages done to a few householders who could easily protect their town properties with stout fences. Legislators often agreed with such arguments, when they were made.[156]

As lawmakers repealed or refused to enact statutes limiting the movements of domestic animals, they allowed those creatures to establish their own spaces and, to some extent, privileged their claims on the land. Animals did not recognize the lines authorities drew that were of such great importance to Anglo-American colonists. The more improvements made, the more counties organized, the more towns surveyed, and the more order imposed on the landscape, the more opportunities were created for animals to transgress those boundaries. It was an Anglo-American conceit that hogs would stay out of streets, that sheep and goats would avoid orchards, and that wolves would not cross county lines. The reality, of course, was far different. The law's fixation on ordered, bounded places could not accommodate animals that moved through spaces they defined.[157]

Back in Harrison County, residents were not about to let the wolf matter drop. One year after the legislature eliminated the county's wolf bounties, inhabitants submitted a new petition asking for a payment of four to five dollars for each wolf scalp.[158] Rejected by the legislature, they tried again in 1809 with a strongly worded case for the civic import of livestock husbandry and predator eradication. The former rewards had "induced the Hunters to consider [wolf killing] an object worthy of attention; and by that means the numbers were diminishing every year." Farmers' stocks of sheep, however, had been devastated by wolves since the law's lapse. "It is a fact worthy of notice," the petitioners wrote, "that the great mass of the people amongst us are clad in their own manufactures, principally made of flax and wool." Employing a contemporary political language derived from nonimportation and embargo acts, they continued: "In this way we boast of an entire independence of foreign trade, except for a very few articles." Such economic frugality deserved "the patronage of the Legislature." It was their duty to promote "the growth and improvement of sheep." Harrison County stock raisers were confident Virginia's legislators would not refuse to give them at least as much support as "was given even in our colonial state by Great Britain, whose policy was strongly marked by a spirit of jealousy" and a determination to "cripple our efforts to make any advances in civilization,

or internal improvements." Domestic manufactures, such as wool growing, would allow Americans to "look with indifference at the wars of Europe" and remain "beyond the reach of their influence."[159] In short, wolf bounties were in the national interest.

Lee County inhabitants adopted a similar tactic the same year, arguing that wolves had destroyed the flocks that were "their chief reliance in these difficult times [when] foreign nations seemed determined to disregard any thing like justice or honest dealing among nations." In the context of the "present crisis" of Europe's Napoleonic Wars and growing US-British tensions, petitioners concluded, it would "be expedient" to lay a tax on the county to pay "a reward for the destruction of those pernicious animals."[160] Wolf bounties received the same patriotic gloss in Hampshire County in 1808. Citizens there insisted that "when the valuation of our country calls so loudly for the encouragement of domestic manufactures," the "great majority of this county" would agree to pay a reward of fifteen dollars for every wolf killed. The advantages to the measure would far outweigh its costs. Indeed, the entire Commonwealth would benefit from the extermination of "that noxious animal, the wolf."[161] Apparently moved by the nationalistic arguments, legislators marked all these requests reasonable.[162]

Wolves, however, did not relinquish their territories easily. Despite increased rewards and continued persecution by hunters and trappers, farmers contended with "those pernicious vermin" well into the nineteenth century. In 1829, Augusta and Rockbridge County residents reported they were still "very much annoyed with wolves." The valleys and ridges of the Blue Ridge called out for sheep, which could be "ranged and grazed in thousands on more than an hundred hills." This environmental transformation would not happen, though, unless greater rewards were offered and "those destructive animals were destroyed and hunted out." Only then would improving farmers "be enabled to carry on the manufacturing of wool to a considerable extent and to great advantage."[163] In the 1820s, inhabitants in the Blue Ridge Mountains asked for a bounty on the foxes that were "destructive of fowl, pigs, and lambs," as well as "all kinds of wild game." Maryland instituted a bounty in 1827 on panthers, bears, and wolves for far western Allegheny County, paying fifteen dollars for every wolf scalp submitted.[164] Twenty years later, a petition transmitted to the Virginia legislature asked that Hamilton Mann be compensated by the state for killing more than twenty wolves with strychnine. Mann insisted that it was unfair for one

county to pay the rewards for all the predators he had killed, since it was "well known that the Animals range in many counties."[165] It was the state's collective responsibility—not the duty of counties or individual property holders—to remove the wild obstacles to domestic agricultural improvement.

It had already become clear to many observers that without concerted and collective actions to remove predators from their ranges, settlers would have little incentive to engage in the deliberate improving acts that denoted Anglo-American possession. When wolves had "become so numerous and committed such devastation among their sheep," it was "hardly profitable" for farmers to raise "any of those useful animals."[166] Virginia's frontier could be improved only, wrote Preston County residents in 1839, by eliminating the "numerous gangs of wolves" from the "mountainous and uninhabitable" wild spaces that were "not supportable of much cultivation" but were valuable as summer pasturage for sheep and cattle.[167] Environmental realities of this sort reoriented English understandings of improvement and possession. Animal predators turned settlers' attentions outward, to the wild and disordered spaces that lay outside the legal lines of individual property. By the time Anglo-American colonizers crossed the Appalachians, many had adopted a quite different view of improvement. The conversion of land into parcels of property required a prior transformation of the wider wilderness. Before it could be possessed, wolves' claims on the land had to be extinguished.

Settling a Wild and Infant Country

Virginia's post-Revolutionary far western frontier, first organized as Kentucky County in 1776, seemed ripe for colonizers' improvements. Reporting on the area in 1785, Lewis Brantz described the many natural advantages that supported settlers' agricultural endeavors. Cattle turned loose to forage in Kentucky's canebrakes fattened easily and produced rich milk, but Brantz doubted that free ranging would long continue. The proper way to use land was in cultivation, and that would be possible, Brantz insisted, only "if this country were peopled with men really fond of manual labor."[168] Other late eighteenth-century observers agreed. David Barrow, a Baptist itinerant preacher, characterized the majority of Kentucky's setters as "very careless." Though situated in a space that appeared to be "calculated for the greatest degree of independency," inhabitants had not improved their lands at all, choosing instead to let their stock run free. The open range had already become "amazingly bare," and roaming, semi-wild hogs had destroyed

what might have been transformed into a "profitable pasturage."[169] The negligence of these free-rangers, critics like Barrow and Brantz argued, retarded the proper growth of well-ordered farmsteads on the frontier.

By the early nineteenth century, outsiders' low opinions of backwoods culture had not significantly changed. On his way to the Arkansas Territory in 1819, the English botanist Thomas Nuttall reported that Kentucky's residents, living "in the solitudes of an unhealthy wilderness," were "given to rambling about instead of attending to their farms." Few even bothered to "possess the lands on which they live[d]." Sheep grazing in squatters' weedy cornfields were covered with so many "cukhold-burs" that the fleeces were not worth shearing.[170] William Faux, a self-described "English farmer," passed through entire regions on his way to the Illinois Country, which contained "no good farms or farmers, but much land in possession of people who neither occupy it nor wish in anywise to improve it." Stopping at a frontier farmer's quarter section, he saw that the man had "never cleared or inclosed any of his land" and instead made his living by hunting, "a sport" which he preferred to the work of farming. "Poor indolent farmers!" wrote Faux disparagingly. "They farm on a swinish system."[171] To some, degeneration, rather than improvement, seemed to hold sway on the Anglo-American colonizing frontier.

Yet even the harshest critics of backcountry manners and morals acknowledged the role wolves and other wild predators played in slowing the spread of English-style improvements on the frontier. Squatters raised hundreds of hogs in the woods, "in strict defiance of a law against the act," Faux reported, in order that their prolific breeding in the wild would offset the annual losses from "wolves, wild cats and bears." Faux's frontier informants explained that there were "so many wild beasts about" that it was almost impossible to "keep pigs, poultry, sheep, nor anything else."[172] Although it was "easy to have plenty of hogs & great gangs of cattle, & plenty of horses" on Kentucky's open rangelands, farmers spent almost as much time hunting wolves to protect their free-ranging livestock as they did cultivating their cornfields.[173] Wolves' actions challenged settlers' improving claims to the land and thus operated as a check on Anglo-American possession.

After nearly two centuries of contending with wolves, settlers' expectations of the natural environment had changed. An evolutionary shift in American attitudes had occurred, wrote J. Hector St. John de Crèvecoeur in 1782, caused by animal hostility and wildness. Farmers watched as predators intruded into English places: "the wolves to destroy their sheep, the

bears to kill their hogs, the foxes to catch their poultry." Taking up the gun to defend their animal property from animal enemies, farmers transformed themselves into "professed hunters." They abandoned cultivation. They became "careless in fencing" and adopted a "strange sort of lawless profligacy." Property lost its appeal to frontiersmen, Crèvecoeur contended, as "the possession of their freeholds no longer conveys to their minds the same pleasure and pride."[174]

Though Crèvecoeur saw this development as a kind of degeneracy, others accepted the change as a necessary amendment to English colonizing. Writing of Kentucky at the moment of its separation from Virginia in 1792, the American businessman and land speculator Gilbert Imlay confidently asserted that "no European would be hardy enough to form a settlement" in the new state's wilder spaces. This chore would "be left for the Americans, who, no doubt, from habit, are best qualified for that sort of business." These were people who eschewed "civilization" in exchange for unfettered access to wild lands for hunting and "range for their cattle." Indeed, they were, Imlay asserted, "unqualified for any other kind of life." Their existence was "favorable to the settling of a wild and infant country."[175] In a world of predatory beasts that refused to recognize the survey lines and livestock brands English colonizers used to assert their possession claims, abstract conceptions of legally bounded, individually owned and improved parcels of property were of little use. Instead, armed with their guns and domestic animals, new-styled Anglo-American colonizers invaded wolves' spaces and turned loose their livestock to wrest the wilderness away from indigenous creatures. This was a mode of colonizing different from an English one based in ideologies of enclosure and improvement. Before they could construct their settled and well-ordered places, Anglo-American colonizers had to remove wolves from the wild spaces in between.

Incapable of Separate or Individual Property

Late in 1777, just days after the Continental Congress adopted the Articles of Confederation and sent them to the states to be ratified, the citizens of Caroline County asked Virginia's House of Delegates for an affirmation of their environmental rights. The Rappahannock River, which marked the northern border of their county, was well stocked with a "Providential Supply" of fish. The "Bountiful Creator" had "appointed [the fishes'] habitation in the waters which he made incapable of separate or individual property." As such, the river's fish could not be privately possessed. Landholders on the Rappahannock, however, had lately challenged the petitioners' fishing rights. In doing so, they provoked vexing questions about "the proper limits or bounds between the Landed property and the Common." Prior to the Revolution, the colonial government had terminated grants of land at the water's edge, leaving the river itself as the property of the Crown, ostensibly "to preserve this with other common uses for the benefit of all the members of the Community." Surely, insisted the petition's nearly one hundred signatories, the new Commonwealth would continue to protect the inhabitants' "common of Fishery" and not allow it to "be ingrossed by a few Proprietors of adjacent Lands in exclusion of all Others." Limiting the boundaries of private property to the high water mark and laying out "private ways" for citizens to reach the water would ensure that the river's fish would "remain in common." Unmoved by these arguments, the House of Delegates rejected the petitioners' plea.[1]

In their brief appeal, the Caroline County memorialists managed to speak to an entire spectrum of property-rights regimes. The fish constituted a God-given store of sustenance, an unowned, open-access resource freely available "to be caught indifferently by all whose necessity or other

circumstances should prompt to seek them."[2] The river system in which they lived was public property, the flowing waters legitimately owned and controlled by the Crown or Commonwealth for the public's benefit. Along the river's edge lay the exclusive private properties of individual landowners. Overspreading all was a nebulous but powerful assertion of common rights—common uses, common fishery, common property—that assured the community a stake in the Rappahannock's natural animal wealth. In sum, the river ecosystem was an open-access resource, a commons, public property, and private land all at the same time.

Though it posited what seemed to be a conflicting set of ownership systems, the petition's multiple constructions of property rights in fish were not the products of legal naiveté. The document's author, Caroline County native Edmund Pendleton, was an eminent lawyer, an important Revolutionary-era politician, and, in 1777, the chief justice for Virginia's newly created high court of chancery.[3] The moderate Virginia jurist had already discussed matters of land tenure in a series of animated exchanges with Thomas Jefferson. Jefferson advocated a vision of independent and absolute landownership for the new nation, over Pendleton's objection that such a system would necessarily "throw all the unappropriated Lands into the hands of men of property, in exclusion of the poor."[4] Pendleton's eloquent disquisition on the clash between absolute private ownership and common rights to fish, therefore, expressed not only the frustrations of thwarted Caroline County fishers but also current debates over the legal nature of property rights in the new republic. That bass, carp, herring, shad, and other lowly fishes could inspire questions about such lofty issues seems improbable.

But fish muddied the legal waters of possession. Perhaps more than any other wild creatures, fish exposed the flaws in rigid categories of property. These were categories predicated on a legal leap of faith: the conviction that the natural world could be segmented and its parts turned to different uses, controlled by separate, yet overlapping, sets of rules. Migrating fish confounded such notions by swimming across the entire range of property and nonproperty regimes colonizers imposed on the landscape, from open-access resources through common and public property and into private ownership. Their movements laid bare the fictions inherent in lawmakers' attempts to organize nature rationally into discrete "things" that could be separately regulated and exclusively owned. Early republican conflicts over access to fish were a part of a broader, ongoing capitalist transformation in

the definition of property: a shift from "limited and not always saleable rights *in* things" to "virtually unlimited and saleable rights *to* things." Because they were inseparable from the moving waters in which they lived, fish posed particular problems to this redefinition. A colonial liberty of fishing became construed as an American right to wild fish—a right that was at odds with the variety of other property rights asserted over the rivers themselves. Fish tangled the legal language of open access, common rights, and private property—the vernacular of American colonizing.[5]

As Free and Common as the Air

At first, it seemed unlikely that questions about the possession of fish would trouble English colonizers overmuch. There were simply too many fish, spread out over an almost endless expanse of ocean, bay, lake, and river spaces for colonizers to be especially concerned about staking ownership claims. Wild fishes were res nullius, or the property of no one, and categorized, like the air, as the quintessential open-access resources. Anyone could use these resources without restraint.[6] Certainly, restraint was far from the minds of early English explorers confronted with fish so numerous they could be swept up with brooms or scooped up in nets.[7] John Brereton, coasting less than a league off American shores with Bartholomew Gosnold's expedition in 1602, saw vast schools of cod in the waters beneath a "mightie headland." In five or six hours, Brereton wrote, "we had pestered our ship so with Cod fish, that we threw numbers of them over-board againe." The waters abounded with "sculles of Mackerell, herrings, Cod, and other fish, in numbers that "were woonderfull." Here, in the place the Englishmen renamed "Cape Cod," was "better fishing, and in as great plentie as in Newfound-land."[8] The comparison with Newfoundland was significant, for those great North Atlantic fishing banks had been by this time a productive and profitable European commercial fishery for more than one hundred years. If the fishing further south along the New England coast was even better, the watery riches would be beyond calculation.

John Smith said as much in his *Description of New England*. Forget the "Mynes of gold and silver" that so preoccupied the Spaniards, Smith wrote in 1616. Fish would make the fortunes of English colonizers in the New World. Despite seeming "a mean and a base commoditie," the ocean fishes off New England's coast represented an immense store of untapped wealth. English adventurers would find the ocean to be their mine and the cod, herring, mullet, and sturgeon to be their silver. New England's unexploited

waters would easily "return an honest gaine," Smith concluded, since, unlike Newfoundland's Great Banks, "her treasures [had] yet never been opened, nor her originalls wasted, consumed, nor abused." Even more, New England's fishing would not be confined to highly commercialized companies. Every "man, woman, and childe" angling in the waters outsides their doors with just a "hooke and line" could kill hundreds of cod in one day—more than enough to eat and to produce a tidy profit on the side. These were animal resources God and the Crown had generously bestowed on every English colonist willing to come to the New World.[9]

Smith's promotional assurances that New World fish were freely available to all echoed a line of legal thought found in a broader, seventeenth-century European argument over the legitimate possession of the seas. Hugo Grotius set the terms of the debate in his influential *Mare Liberum,* published in 1609. He advanced "the freedom of the seas" as a principle of natural and international law. Constructed as a defense of Dutch commercial activity in Southeast Asia against Portuguese claims, Grotius's thesis declared that the immense ocean and its inexhaustible resources could "be neither seized nor inclosed" and therefore could never "become the possession of any one." By their nature, the seas were "adapted for the use of all."[10] Among those countering Grotius were the Scotsman William Welwod and the Englishman John Selden. Welwod, focusing especially on the protection of fishing rights in his *An Abridgement of All Sea-Lawes* (1619), argued that a nation's territorial waters could indeed be occupied and possessed, although he granted that the high seas were open to everyone.[11] In *Mare Clausum* (ca. 1618), Selden likewise contended that long-held practices, such as the issuing of fishing licenses to foreigners, had established the Crown's dominion over the *English* sea. English custom had made even river fisheries the property of the Exchequer, Selden wrote.[12] Both authors challenged Grotius's notion that the ocean was limitless and delegated stewardship of the sea's creatures to the nation so that resources would not be "exhausted and wasted."[13]

Despite their differences, these writers agreed that exclusive possession claims to the ocean were necessarily problematic, in part because natural law guaranteed free access to the ocean's renewable resources. Customs or laws could be imposed to regulate use, but, in their absence, the presumption was that ocean fish were available to any who wished to take them.[14] In the New World, such rules were yet to be worked out, as Selden admitted in his dissertation: "How far our *English* Colonies, lately transported into *America,* have possessed themselves of the Sea there, I have as yet made

little enquirie."[15] Without any laws to restrain them, English colonizers, like Smith, could pursue their vision of open access to American fish, freely granted by nature or the sovereign—and sometimes both—for the unrestricted use of all settlers and for the success of their New World projects.

Restraints on fishing were equally absent on America's inland waters. Free access to river and lake fish was particularly appealing to colonists coming from the British Isles, where fishing rights had been constricted, especially during the era of enclosure. Non-navigable waters and highly valued salmon fisheries in England were the first to be privatized. Later restrictions limited the general freedom to fish to navigable tidal streams and disallowed the use of fixed fishing gear. A variety of legal definitions for fisheries emerged that assigned different and separable rights in river fish. A "common of fishery" was a nonexclusive right that could be granted to certain groups on privatized waters. A landowner who held both sides of a fresh river possessed a "several fishery" and could fish exclusively in the waters adjoining his lands. A "free fishery" existed when the right to fish was given to an individual who was not a riverfront landowner. The holder of a free fishery had property in the fish themselves. The owners of free fisheries and several fisheries had no right under common law, however, "to obstruct the passage of fish; for, all the riparian owners [had] the same right to the enjoyment of the stream with all its advantages," including "the natural run of the fish." In all, a confusing welter of situationally specific rules and franchises governed fishing rights in the British Isles.[16]

Despite the growing restrictions on the liberty to fish in Britain, the lower classes clung to the popular belief that natural law had ordained wild fish the property of no individual. The English jurist William Blackstone lent legal authority to these views in his eighteenth-century *Commentaries on the Laws of England*. In wild fish, swimming free in oceans, rivers, or ponds, Blackstone argued, "there is no property either absolute or qualified." Ownership was vested in the sovereign, who held it for the public good. Any laws that pretended to convey permanent, private-property rights to beasts ferae naturae were "unreasonable" and "productive of . . . tyranny to the commons."[17] Though by no means an uncontested position, Blackstone's view resonated with a broad swath of the English populace. For generations, English commoners resisted hunting and fishing restrictions, and flouted England's increasingly punitive game laws by poaching in private forests and streams.[18]

The American environment with its rich coastal waters, plentiful bays, extensive rivers, and tiny colonial population, seemed an ideal context in

which to make natural law the law of the land. With an abundance of offshore and inland fishes, many thought there was no need to restrict their use. Not that some colonizers didn't try. Profit-producing ocean fisheries provoked early disputes between English colonies. The Virginia Company, complained one observer in 1615, "pretend almost all the Maine twixt it and New-found-land to bee their Fee-Simple." Virginia's officials tried to prevent others from fishing along the New England coast.[19] Five years later, the Virginia Company itself lodged a protest against those in the "Northerne Collony" for appropriating Cape Cod fisheries for themselves. Massachusetts adventurer Sir Ferdinando Gorges and others had "utterlie excluded those of the Sotherne [colony] from fishing att all uppon that Coaste without their leave and lycense." Open access to fish in the northern coastal waters was important to the Virginians for more than just provisioning their colony. Ships that carried colonists to the fledgling settlement were granted the "free libertie to fish uppon the Northern Seas" in order to defray the costs of transportation. The fish off the coast of Cape Cod represented, claimed Virginians, "the onely means lefte . . . to enable them to transport their people and susteyne their Plantation." Monopolizing ocean resources, they argued, not only violated their patent but was also fundamentally unjust, since fish were "to all as free and comon as the Ayre."[20]

The obvious commercial benefits to be derived from ocean fisheries led to such arguments over access. Many of the initial expeditions to the New World were driven by the search for new fishing grounds, and early promoters emphasized the availability of fish over almost any other wild creatures. New colonial ventures looked to the sea as a source of profits to justify and maintain their American projects. In New England, "fishing plantations" that offered inhabitants land both for crops and for drying fish were an important part of the seventeenth-century landscape.[21] Colonizers in the Chesapeake likewise sought "great benefit from fishing in the bay" and listed the development of a commercial fishery alongside their plans to discover "mines of gold, silver, copper, &c."[22] In 1607, members of Christopher Newport's expedition insisted that sturgeon would yield investors a regular return and that commercial fishing for herring and cod might also be possible.[23] Nearly a century later, observers were still insisting that the Chesapeake's "Sturgeon, Thornback, and Catfish," as well as "our vast plenty of oysters," would "make a beneficial Trade, both with the Town and Foreign Traders."[24]

Seeking to replicate the commercial success of more northerly commercial fisheries, the Virginia Company armed English adventurers in 1606

with patents that granted rights to all sorts of natural resources, including fish, across a space of fifty miles or more along the Virginia coast.[25] The grants proved to be of little value to the earliest migrants, however, who arrived remarkably ill equipped to harvest the plentiful ocean or river fish. The 1607 voyage to Virginia apparently brought no fishing gear of any kind.[26] Although company officials included fishermen and net makers in their "Classes of Emigrants Wanted" advertisement, ships arrived in 1610 without the requested skilled fishermen and sturgeon dressers.[27] Company officials proposed establishing a salt works, which "in short tyme might prove a reall worke of greate sustenance to ye Colony at home, as of gaine abroad." Though there were "such stulls of excellent good fish" to be had, without "men skillful in salt ponds," potential profits would be unrealized.[28]

Despite repeated calls throughout the seventeenth century for seines, nets, fishhook makers, salt makers, and fishermen, the colonial government failed to establish a commercial fishery in the Chesapeake either for export or for a local market.[29] The seasonality of river fisheries and the warmer climate (which meant that fish could not be kept fresh) hampered commercial fishing in the area. These obstacles to fishing, however, did not prevent early Tidewater colonists from consuming considerable quantities of ocean fish. The Virginia census for 1624–25 alone listed about 58,000 pounds of salt cod stored for the use of settlers along the James River. These supplies came not from Virginia's waters but from New England and Newfoundland by way of the tobacco trade. In some instances, as the French missionary Pierre Biard reported in 1613, the "English of Virginia [were] accustomed every year to come to the Peucoit Islands," off the coast of present-day New Brunswick, in order to "lay in a supply of codfish for the winter."[30]

Though efforts to develop southern commercial fisheries stalled, the earliest colonial promoters in Virginia and Carolina persistently touted the marvelous abundance of fish, both offshore and in rivers, as inducements to English settlement. Capt. Arthur Barlowe described the waters around Roanoke Island as replenished with "the goodliest and best fish in the world, and in great abundance."[31] Confronted with countless fish swimming thickly in the Chesapeake Bay, John Smith's party tried, unsuccessfully, to scoop them up with frying pans since they had no nets. "Neither better fish, more plenty or variety, had any of us ever seene in any place," the adventurers recalled, "but there [*sic*] not to be caught with frying-pans."[32] Others measured "incomparable Virginia" against well-known and long-celebrated wealthy empires to find them wanting. China could not boast, wrote one

commentator in 1650, "of five thousand fish taken at one draught neere Cape *Charls,* at the entry into Chesapeak Bay."[33] English explorers on the Cape Fear River in 1663 met with Indians who brought a "great store of fresh fish, large mullets, young bass, shads, and several other sorts of very good, well-tasted fish."[34] Appealing "to all ingenious and industrious persons" in 1666, an advertisement for a new Cape Fear plantation emphasized the "great store of Sturgeon Salmon and many sorts of other good eating fish both flat and round" to be found in area waters.[35] North Carolina's seas and rivers, with their bounties of "excellent and wholesome Fish," wrote Thomas Ashe, were "enrich'd and replenished with the Blessings of the most High."[36]

Those animal blessings would redound to the benefit of would-be colonists, advertisers promised, and provide settlers with an easily attained competency. Virginia promoters pointed to "the plentifull fishing" in 1612, answering critics who claimed the English planters were struggling just to survive.[37] Even in the early, lean years of the settlement, sturgeon, along with oysters and crabs (which were easily harvested with little skill or equipment), represented a major portion of colonists' food supplies.[38] By midcentury, promoters could breezily reassure potential settlers that fish "of great delicacy" swam "at all times" in Virginia's rivers. "If in all this abundance he is yet apprehensive of Famine," wrote Edward Williams to skeptical readers, "wee shall refer him to the number of those who are afraid to be starved for meat in a Cooks shop."[39]

Fish constituted a crucial part of settlers' subsistence in the early eighteenth-century Carolinas as well. John Lawson reported that fishing weirs proved to be "a great Advantage to large Families, because those Engines take great Quantities of many Sorts of Fish."[40] Naturalist Mark Catesby similarly noted that large numbers of sturgeon, drum, and herring were already "of great Benefit to the Inhabitants of many Parts of *Virginia* and *Carolina*." Colonists from far inland traveled "with their Carts" to the coast of Virginia to "carry away what they want[ed]" of the herrings that inundated shorelines every March. Drum fish, also caught in the spring, were of "no small Benefit to the Inhabitants" of the Carolinas, observed Catesby, not only for food but also for trade to the West Indies.[41] To English colonizers interested in promoting settlement, individual open access to coastal and inland fishes became more crucial than the development of large-scale, commercial ocean fisheries.

Throughout the seventeenth century, colonial authorities issued charters, patents, and statutes that confirmed and enlarged settlers' liberty to

fish. In an attempt to resolve disputes between the New England and Virginia colonies, the English House of Commons drafted an act "for the freer liberty of fishing" in 1621 that allowed "all and everie" English subject to take "fishes of all kindes whatsoever . . . upon all and every sea coastes, shoares, and points."[42] An order handed down from the Privy Council two months later stipulated that the freedom to fish reciprocally in the ocean waters off each colony was limited to fishing "onely for the sustentation of the people of the Colonies there, and for the transportation of people into either Colonie."[43] Robert Heath's 1629 North Carolina patent reserved "the liberty of fishing as well in the sea as the creeks" to all English subjects.[44] Gov. William Berkeley's 1663 instructions for settling North Carolina further proposed that every colonist be allotted land along the water for ease of transportation, as well as for "the benefit of the water and fishing in the river."[45] To colonial lawmakers, a policy of open access or "free taking" of wild fish appeared to be the best method for encouraging English settlement.[46]

Still, free taking did not mean that access to fish was entirely open or unrestrained. Colonial laws establishing private ownership also allowed exclusive rights to waterways in some cases. In a 1679 case, Virginia authorities sided with Richard Liny, who complained about others fishing along his riverfront property's shore. Although the interlopers argued "that the water was the kings majesties, and not by him granted away in any pattent, and therefore equally free to all," the General Assembly disagreed. Virginia's lawmakers further allowed riparian landowners to press trespass suits against those who fished above the rivers' low-water marks or drew their seines onto privately held shores.[47] Later statutes passed in Virginia and North Carolina set fines and even jail sentences for those who presumed to go "fish or fowl in any creeks or waters included within the lands of any other person" without permission.[48] Other laws disallowed particular fishing methods, including poisoning and fishing with harpoons or gigs (multipronged spears) during certain seasons.[49] The colonial liberty to fish had its bounds.

Even with these limitations, the premise that fish were a freely available environmental incentive for colonists persisted into the eighteenth century. As settlers moved inland away from the coast, the freedom to take river fish became even more critical to their possession of frontier land. Promoters such as John Filson—who speculated that, in Kentucky, there existed "large subterraneous aqueducts" that produced "fine hook-fish in variety"—were sure to advertise the open access to western waters to potential settlers.[50] In the

east, Revolutionary-era lawmakers began to take positive actions to guarantee that commercialization and privatization would not deprive citizens, especially the poor, of the liberty to fish. A 1780 Virginia act reserved "all unappropriated lands on the bay of Chesapeake, on the sea shore, or on the shores of any river or creek in the eastern parts of this commonwealth," for the use of the people. This action, authorities promised, would prevent the benefits and "privilege of fishing" from being "monopolized by a few individuals."[51] More than just an endorsement of the colonial liberty of fishing, early republican laws such as these identified democratic access to fish as a distinctive American virtue.

What Ought to Be Considered as a Common

Despite such legal assurances, access to wild fish remained a complicated issue. Although fish might theoretically be available to all, access to the waters was not always assured—a fact noticed by some inhabitants of the well-watered Eastern Shore county of Accomack in 1774. When Caleb Upshur, a prominent slaveholding planter, purchased a stretch of land along Watchaprague Creek, area residents found their access to the navigable waters of the creek, and the many bays to which it was connected, cut off. Angry, they petitioned Virginia's House of Burgesses for redress. They argued that, like their forefathers, inhabitants had long been accustomed to crossing a corner of Upshur's property in order to get to a common landing on the creek. Their path was "but short along a Bank, and nearly on the line of the said Land, did not interfere with the Owners inclosures, and was not otherwise considerably detrimental to him." Nevertheless, Upshur had barred them from frequenting the landing, "at their Peril." The wealthy landowner had thus deprived his less fortunate neighbors of "a comfortable supply of Food" in the form of oysters and fish. Moreover, he had abrogated a customary, local privilege that the people had come to understand and defend as their common-property right.[52]

This language of the commons surfaced frequently in conflicts over the rights to wild fish in the late eighteenth and early nineteenth centuries.[53] Like Edmund Pendleton, who asked Virginia officials to recognize Caroline County's "common of fishery," other petitioners characterized their requests for continued access to coastal and inland fish as common-property rights. A little more than ten years after the Caroline County grievance, Chesterfield and Henrico County petitioners, for example, argued that the falls on the James River "ought to be considered as a common" for the community at

large.[54] In Princess Anne County, citizens demanded in 1802 that the legislature secure, "in common to the whole of the community," their "desirable rights" to fish along Virginia's bay and sea coasts.[55] Inhabitants of Perquimans County, North Carolina, complained of early nineteenth-century seine fishermen who appropriated "a much larger share of privilege than is of common right due to them." Fishermen in South Carolina simply called for "the common rights of Mankind" to be upheld.[56] These and other protests disclosed developing ideas about how legitimate possession of animals and land in the early republic would be defined.

More than just restatements or refinements of preexisting open-access principles, the flurry of legislative petitions, court cases, and special laws concerning "common rights" to fisheries in the early national period addressed a different set of claims. Faced with converging, modernizing trends that limited open access—the privatization of land, the industrialization of waters, and the commercialization of fish—citizens asked state governments to guarantee the colonial promise of American animal abundance. Free inhabitants crafted a defense of their rights to wild fish in the terms of "the commons." Their arguments focused on customary, local control of the rivers and, eventually, of the fish themselves, for the community's benefit over private interests or individual gain. Yeoman farmers and fishers, small holders, and poor families claimed their customary and common rights to fish by recasting those traditional liberties in a new language of independence and republican virtue.[57]

Still, the word *common* in petitioners' complaints was not, in itself, evidence of a specific common-property right claim. In British North America, as in the British Isles, unowned resources were often identified as "commons." The elision between "open-access commons" and "limited-access commons" has caused even modern scholars to mischaracterize some types of past common-property regimes as open-access resources.[58] To draw the distinction more clearly, however, is to recognize that common-property arrangements occupied a position somewhere between ideal open access and exclusive individual property, sharing attributes of each. Like open access, common-property systems included an element of equity in their operations. As with private property, common-property regimes limited both access and use. Controlled by members through customary, unwritten rules or formal law, the resources of the commons were managed for the sustained benefit of the commoners.[59] Read closely, the complaints of Revolutionary and early republican-era southern fishermen reveal a range of complex arguments

based not only in notions of open, democratic access but also in a developing American version of the commons.

These arguments often began with references to traditions of community use that stretched back over years or even generations. The North Carolina Assembly, in one instance, highlighted long-held practices in Bertie County. Residents, according to the legislature, had caught fish during the spring runs "ever since the first settlement of the said county."[60] By 1788, settlers in Granville County had "uniformly for a number of years" taken fish out of Grassy Creek off the Roanoke River.[61] In Virginia, Princess Anne County inhabitants claimed to have possessed the unwritten, "ancient privilege" of fishing in the nearby ocean and bays "from time immemorial."[62] Other petitioners living on Welch's Creek in eastern North Carolina in 1810 similarly lamented the potential loss of "a privilege & benefit they and their forefathers before them have enjoyed from time immemorial."[63] Appeals like these to a sustained history of customary use of seashores, rivers, or creeks by community members were crucial to establishing the existence of a commons.[64]

Of course, such narratives were mostly works of fiction. Their "time immemorial" claims to waterways conveniently erased entire histories of prior use by the region's indigenous human inhabitants. Contrary to their assertions, colonizers' relatively recent expropriation of the rivers and their fish was the true opening chapter of the American commons story. At times, colonial authorities were more forthcoming on this point. Seventeenth-century lawmakers in Virginia admitted that English settlement had forced "the poore Indians . . . from their wonted conveniences of oystering, fishing, and gathering," so they allowed tributary Indians to enter English plantations in order to harvest those resources. To do so, however, Indians had to carry permits issued by the government and leave any offensive weapons at home. Native Americans found within a "fenced plantation without a tickett" were charged with trespass.[65] In the eighteenth century, Virginia's colonial authorities reserved a fishing place for Indians' use on the Rappahannock River.[66] Though laws such as these allowed indigenous groups access to rivers and creeks for fishing, they also established a legal framework for barring native peoples' entry into those same places. As such, they were significant statements of appropriation that legally transformed Native American collective property into a limited-access colonial commons.[67]

More exclusionary limits came with early national campaigns for citizens' common rights to fish. Legitimate use of the watery resources in spe-

cific places, petitioners argued, should be reserved for the members of the local community. Pro-fishing contingents routinely identified their particular locales in their petitions: "on the south side of the Roanoke River on or near Grassy Creek" or "on the Meherrin below the fork called Smith's" or "on the Pig River."[68] Protecting the community's access to local rivers and creeks was a matter of considerable importance, given that "in poor families & others wherein are a number of negroes, fish of every description become an article of great utility."[69] Fish supplied smallholder families with sustenance. For residents on Grassy Creek in North Carolina, fish supported not only their families but "a populous Neighbourhood." In Fairfax County, Virginia, the "Poor People residing near this River" could make up for lowered production on their worn-out lands by supplementing their household economies with shad and herring from the Potomac's waters.[70] Community members in these and many other instances asserted their common-property claims, not to waterways and fish in general, but to the local fish that swam in certain segments of nearby rivers and streams.

Common-property proponents argued that fish, as "the local and natural advantages" of a place, were "certainly intended by Providence" to "belong to the people inhabiting that country."[71] The natural benefits derived from common property, according to their line of thinking, should necessarily accrue to the community's members in an equitable fashion. For that reason, petitioners launched their sharpest barbs at individuals who monopolized the rivers and the fish for private gain. In Virginia's Henrico and Chesterfield Counties, residents complained in 1789 that opportunists had actually surveyed streams, rocks, and fishing stands along the James River in order to enter private-property claims. These were "men called Speculators who ransack earth, air, and water for their private emolument," the Henrico petitioners protested, "and under pretence of law [they] divest a large part of the Community of the Natural rights & privileges."[72] Two years later, inhabitants of Halifax and Buckingham Counties lodged similar protests against owners who blocked migrating fish with milldams, fishing weirs, and hedges. They asked the legislature for laws mandating that the rivers be cleared of all obstructions—"a reasonable request," the Halifax petition maintained, "as no Man or set of Men for their private emoluments ought to deprive the community at large of the gracious bounties of Providence."[73] Lawmakers, too, criticized the actions of those who had "for their own emoluments" blocked rivers to migrating fish.[74] In North Carolina, Thomas Mercer and his Camden County neighbors protested the actions of

"a few individuals" who made it "their business" to set fishing nets across Crooked Creek, thereby damaging an otherwise productive local fishery.[75] Fish were to be "used and enjoyed by the Community," another 1802 complaint read, and not by selfish individuals who "made various pretences as of Nature or the Laws of this State." Individuals could not assume that they had "a right to appropriate to themselves things which may be used by all."[76]

Because they understood fish to be the common property of the community, fishing-rights proponents especially condemned the intrusions of "foreign" fishermen, and they sought legal means to exclude out-of-staters from local waterways. Residents along the Potomac River in Loudon County worried that "the whole stock of migrating fish" would soon be cut off by a few people, many of whom were "foreign as well to the state of Virginia as that of Maryland."[77] Others along the river complained that "persons, not even inhabitants of the vicinity of the places so infest[ed] by them," set gill nets to catch shad.[78] The living resources of Fairfax County waters likewise needed to be "protected from the larceny of Foreigners" in 1836. The county's residents asked for laws "to prevent Yankees from using gill nets" that destroyed entire populations of fish.[79] P. F. Bidgood and Thomas B. Beaton forwarded another request to the Virginia legislature in 1837, asking them to secure the right of oystering to the people of Norfolk County and to exclude anyone who had not been a resident in the county during the previous twelve months. Otherwise, the two petitioners predicted, "the Yankees will come" to sweep up all the oysters they wanted.[80] Late eighteenth- and early nineteenth-century lawmakers generally concurred with what was characterized as the general opinion of community members who wanted to limit the use of local fisheries to local residents.

Early national defenders of common-property rights worked with a growing sense of dismay as they watched fish populations in their communities shrink year by year. Commoners, focused as they were on the local, however, seldom looked beyond their immediate horizons for the causes of the decline. Fish supporters tended to blame those nearby, often their neighbors, for the deterioration of their local fisheries. Petitioners routinely chastised specific individuals for wasteful fishing practices and individual mill owners for poorly constructed dams that blocked migrating fish. Sarah Stratton's dam on the Potomac River, for example, came under fire from Pendleton County residents in 1790. Petitioners claimed she refused to make proper slopes or passages for migrating fish to pass through.[81] In Pittsylvania County, "several evil disposed persons," who were "holders of land on

Pig River," had "made it practice to stop the River from side to side." These obstructions deprived families living just upriver the "great benefits from the fish."[82] Campbell County citizens insisted that Michael Truitt's mill-dam on the junction of the Staunton and Falling Rivers was solely responsible for blocking shad from their upriver migrations. To remedy their "very grate injury," the locals asked for the dam to be removed in 1787, confident that the fish would return if Truitt's dam were demolished and "the river was left open and clear."[83] When the once-abundant fish in Virginia's far western Wythe County became scarce, petitioners there laid the blame squarely on the dam recently erected on Reed Creek by Andrew and James Crockett. The brothers had constructed an iron forge and furnace along the creek on their so-called Purgatory Tract sometime around 1798. Six years later, long-time resident Jacob Davis testified that, before the construction of the Crockett dam, he had caught an abundance of fish in the creek. But after the dam was built, Davis maintained, it was no longer "worth a man's time to go fishing." A whole day with line and rod now only produced enough fish for a single meal. The Wythe petitioners, convinced that the obstruction at the iron works prevented fish from moving up the stream, argued that "individual conveniences ought to yeald to publick interest." They asked, and the legislature agreed, to compel the Crockett brothers to construct fish passageways at their dam.[84]

Local problems called for these kinds of local solutions, common-property proponents believed. Consequently, they asked lawmakers to create place-specific private acts to address their particular environmental and social conditions. Fisheries on the Potomac River in Fairfax County, for example, operated under the "peculiar disadvantages of circumstances": shallow waters, extensive flats, and the recent introduction of steam transportation on the river. When one scheming Maryland fisherman figured out how to drive fish out of the Virginia shallows into the main river channel by using cannon shots, Virginia petitioners asked for special rules to govern their unique situation.[85] Other petitioners targeted the falls at Tygarts Valley in far western Randolph County as a problem. If this natural obstruction were opened in some way to allow the passage of fish, inhabitants argued in 1795, the residents of Virginia's western frontier would be able to reap the river's "great advantages." Encouragement of "so valuable an object for the good of the inhabitants" was certainly worth the passage of a law.[86] In Floyd County, Virginia, an 1834 appeal for a law requiring mill owners to make fish slopes in their dams was aimed only at those on the East Fork of the

Little River "as far up as Peter Guernent's on the Middle Fork, and as far as Davis Howels', and on the west fork as far as Solomon Harrison's."[87] Requests such as these prompted authorities in the early republic to put most fishing laws in the form of localized, special legislation. Late eighteenth- and early nineteenth-century resolutions noted residents' complaints and targeted the exact places they mentioned, such as Rockfish Creek in Cumberland County, North Carolina, "from its mouth to the forks," or South Carolina's Chinquapin Creek from its confluence with "Black Creek and the mouth of Horse-pen Branch." Local rule making thus implicitly validated community control of common river fisheries.[88]

Expressions of local control were most visible in the many grievances lodged against southern milldam owners starting in the late eighteenth century. In these disputes, residents positioned themselves as the ultimate arbiters of the public good. Bedford County miller Jacobus Early endured years of complaints from his neighbors about his gristmill's public worth. Early's dam, which ran across Goose Creek near its confluence with the Staunton River in Virginia, was "badly Built and generally out of repair," petitioners claimed in 1785. "Its situation near a Body of Sand" was "generally poor, broken, & Stony." The surrounding region was "thinly inhabited," and Early's mill site was "within four or five miles of two other mills." Community members insisted, therefore, that the Goose Creek mill was more of an impediment to their neighborhood than it was a convenience, and they asked for it to be removed.[89] At the Great Otter River, in another part of Bedford County, inhabitants petitioned against Cornelius Noel in 1789 when he failed to cut a passage through his milldam and keep it open during the spring fishing season. The petition's more than one hundred signers were especially frustrated because Noel had promised to build fish slopes in exchange for their support on the country order authorizing his dam. In 1791, community members renewed their complaints against Noel, arguing that "as soon as the dam was erected the said Noell not only refused to establish the passage he agreed to" but also "constantly prohibits your petitioners from fishing immediately below the mill and frequently remonstrates them." Virginia's lawmakers agreed with the protesters.[90] Noel had clearly violated the public trust. Acting in his own interests, he had monopolized the natural resources that rightfully belonged to the community at large.

Other petitioners weighed the relative public benefits of local mills versus the supply of wild fish. Several persons living near the state line in Granville County, North Carolina, testified to the decline of fish in Grassy Creek above

Thomas Field's mill in 1788. They concluded that, although the mill was "good and convenient," they "would rather have the fish at [their] traps."[91] Johnston County residents asked the North Carolina legislature for a law requiring mill owners on larger streams to leave their dams open from February to May each year, since "in the time of the running of the shads these mills are of little use to the said inhabitants." Besides, numerous mills on smaller streams were as equally convenient and were better able to grind "a competency at that season of the year."[92] Community members had the right to make such judgments because the waterways and the fish they contained were the common property of the residents. They could decide what was best for the common good: a river with fish and no mills, or a river with mills and no fish.

Customary use, limited access, and local control for community benefit—all defining elements of common-property arrangements—were terms fish-supporting petitioners used to frame their arguments. By casting the fish in their local bays, rivers, and streams as a kind of indeterminate commons, citizens in the early national period extended their possession claims over not only the waters but also the fish themselves. That the complainants were so often successful in their efforts to prevent individuals from monopolizing the waters or wild fish was a testament to the persuasive power of their rhetoric—a rhetoric that married newly forged images of yeoman independence and republican virtue to an older colonial promise of freely available wild-animal abundance.[93]

The "welfare of an Independent state," wrote Princess Anne County inhabitants in 1802, was determined by the "natural advantages and productions of a country." Offering an abundance of fish, the natural advantages of their community's local shores contributed much to the subsistence and happiness of its free citizens.[94] Supplied with "large shoals of Shad and Herrings," poor people could manage a competency—an independent existence—even on worn-out lands like those in George Washington's home county of Fairfax. "Among the inducements to remain in this country," observed county residents in 1836, "the strongest and almost only one is that afforded by fish which are furnished by the Potomac and its waters."[95] Those incentives could be lost, however, by unchecked privatization and commercialization. Such an outcome, as petitioners on South Carolina's Tyger River avowed in 1811, would be antithetical to "natural Rights" and the rights of "free men natural born citizens and Republicans in spirit and principle."[96]

Fighting back against privatization in the name of yeoman independence, petitioners claimed fish as the common property of the community. They

asserted their rights to control access to the wild creatures that lived, even if only seasonally, in their local waters. Yet a persistent thread of open-access reasoning remained in their common-property arguments. Many in the early republic melded the language of the commons and unrestricted taking in their disputes over access to wild fish, like the Lancaster County inhabitants who considered "the waters of this commonwealth as free and common property to all its citizens." Any prohibitions on free use, the Lancaster petitioners asserted in 1833, were "contrary to the constitution and spirit of our government." Still, it was primarily community residents "dependent on the products of the water for support" who required the most protection of their "natural rights" to fish and oysters. Without those resources, families would be reduced to "want and beggary." Poverty would force them to abandon "their native Virginia."[97] Thus, common-property proponents reasoned that unrestricted, free use had to give way to community benefit, local control, and limited access whenever fisheries were threatened by private interests. This was the only way wild-animal inducements to settlement would be preserved. Hence, classifying wild fisheries as common property was an attempt to secure citizens' continued access to indigenous animals not as a colonial liberty but, rather, as an American right.

A Right Inseparable from Their Lands

American rights were a preoccupation of the Revolutionary era and in the decades that followed—especially those rights associated with private property. Landowners jealously guarded their rights to hold and alienate their properties unconditionally. They could prevent trespasses and block others from using any part of their possessions. Proprietors were legally entitled to all the natural advantages and productions of the lands they owned. In the new nation, affirmations of absolute ownership resonated with republican ideality, linking economic self-sufficiency to political independence. The rights of citizens were thus inextricably bound up with rights to private property.[98]

No wonder, then, that the Keeling family of Princess Anne County so adamantly defended their possessions on the Chesapeake Bay in 1802. Responding to a petition from citizens—most of whom were not landowners in the county—the guardians of Francis and John Keeling insisted that their wards were "protected in their titles" by the "Laws of the Land." As "proprietors of landed Property on the Bay of Chesapeake and Lynhaven River," the Keeling family had previously "claimed and exercised the exclusive

privilege of fishing" on the waters adjoining their properties "without the restraint of any power whatever." They scoffed at the pretension that some "ancient privileged custom" allowed others a common right to fish on their shores. On the contrary, the Keelings' complaint insisted, the "Custom or Right" of fishing was "attached to, and inseparable from their Lands by the express word of the Grants under which they claim Title." To impinge upon their exclusive privilege to fish in the waters adjacent to their properties was an "infringement on the rights of individuals" and would be as unthinkable as depriving landowners of "those parts of their Tracts on which their dwelling houses are erected, or on which their Grain is growing." This was a suggestion with "dangerous consequences" and "so replete with Injustice," that it could be met only with "the deserved Indignation and abhorrence" of Virginia's lawmakers.[99]

A strident rejoinder to open-access and common-property proponents, the Keeling remonstrance clearly articulated the fundamental dilemma at the heart of early republican-era quarrels about the rights to wild fish: inseparability. Disputes over fish were necessarily disputes about waters and shorelines. Anglo-American property regimes attempted to negotiate these conflicts by deconstructing the natural world into a collection of severable attributes. In theory, the use of waterways and their resources could be separately allocated—riverbanks could be held privately by landowners, the river's course deemed a public highway used by riverboats and travelers, the river's current appropriated for industrial use by mill owners, and the fish claimed as the private property of independent smallholders and the proprietors of fisheries big and small. People could assert separate possession claims to distinct aspects of the waters in different places. Ecological realities, however, subverted legislators' attempts to resolve water controversies with this legal sleight of hand called "divided ownership." The exclusive character of private-property arrangements, in particular, brought the issue of severability to the surface and forced American authorities to concede that the law could not take a fish out of water.

By the eighteenth century, Anglo-American colonizers had come to equate land with private property. Individual proprietors exercised the rights of absolute control and exclusive use—or, in Blackstone's formulation, "the sole and despotic dominion"—over the lands they possessed.[100] More than just a property relation in the Revolutionary era, widespread private landownership in America took on heightened political importance as the condition most productive of "virtuous and independent citizens," as Thomas

Jefferson put it.[101] This republican ideal, though, was already under strain by the time Jefferson penned his *Notes on the State of Virginia* in the 1780s. Long-settled coastal regions of Virginia, Maryland, and the Carolinas suffered from land shortages and rising prices that, in turn, constricted levels of landownership. Growing inequality in the slave South threatened to undermine yeoman self-sufficiency. Landowners' private claims to rivers offset this inequality and provided smallholders means to slow their slide into dependency. Consequently, property owners, big and small, looked on with concern as legal authorities parsed southern waterways into separate attributes governed by different property arrangements. Each division potentially diminished the value of the property rights held by others. Rather than clarifying the issue of legitimate control and use, lawmakers' efforts to sever the shores from the waters, the current from the streams, and the fish from the rivers, only confused the issue. The growing body of water law caused southerners to argue more insistently for the primacy and exclusivity of their individual property claims.[102]

Wild fish played a crucial part in these conflicts by destabilizing the piecemeal and place-specific property rights inhabitants proposed and legislators concocted. Fish habits, particularly the habits of migratory fishes, defied divided ownership arrangements. Anadromous species, such as sturgeon, striped bass, river herring, and shad, traveled widely through vast fresh- and salt-water spaces. These were among the most economically valuable varieties to colonizers. Running in massive, concentrated schools, anadromous fish returned from the ocean each spring to spawn in their natal streams.[103]

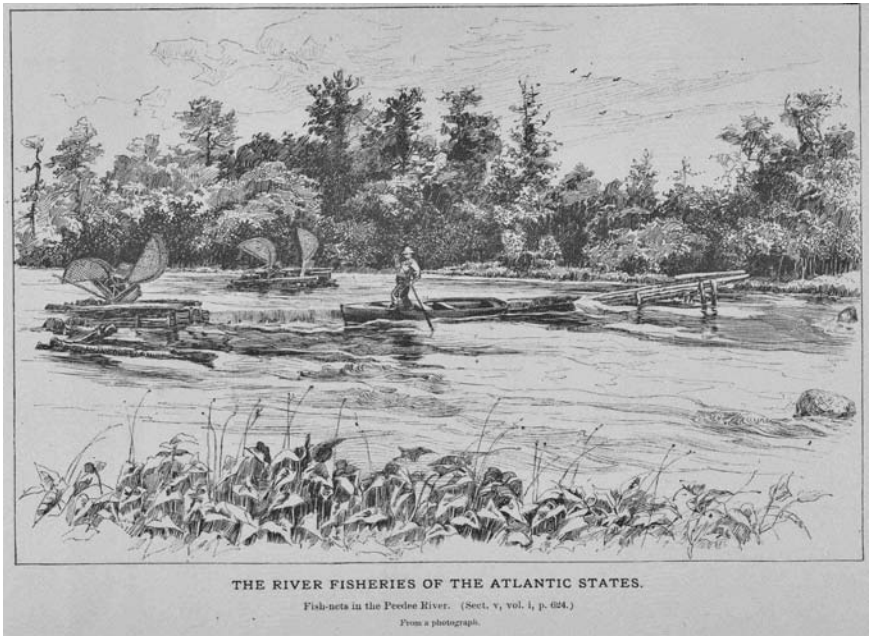
Of anadromous species, the American shad (*Alosa sapidissima*), along with the related alewife (*Alosa pseudoharengus*) and blueback herring (*Alosa aestivalis*), were the most prominent in early national disputes over riparian rights. These fish migrate downriver as juveniles and spend three to six years circulating in ocean currents. By the time they return to their home waters to spawn, shad have typically traveled around twelve thousand miles. Pulled by water temperature, light intensity, scent, and instinct, these large, silvery fish seek out spaces far upriver to reproduce. In the slow-moving water of their "shad wallows," where there are abundant food sources and fewer predators, shad offspring have a better chance at survival. To reach those distant points upstream, the fish follow deep river channels and struggle across the riffles, rapids, and cataracts of the fall line, traveling up to five hundred miles inland to spawn. Only on rivers, such as the Potomac,

where substantial natural waterfalls blocked their movement did the shad fail to penetrate far into the southern backcountry.[104]

Expansive fish spaces like these could not easily be shoehorned into rigid eighteenth- and nineteenth-century legal structures privileging private property. Exerting property rights to fish necessarily impinged on the claims to absolute rights voiced by a chain of riparian owners stretching from the western tributaries of major rivers to the Atlantic's coastal waters. The upcountry North Carolina farmer on the farthest reaches of the Yadkin River who demanded a portion of the spring shad run as his property right, then, intruded on the rights of the Richmond County mill owner who wished to dam his portion of the Pee Dee River (of which the Yadkin was a tributary) and the fishery proprietor hundreds of miles downriver who wanted to spread his nets across the Great Pee Dee at Georgetown, South Carolina, where it ran into Winyah Bay. These kinds of far-reaching, competing claims to river resources multiplied in the Revolutionary era and after. As colonizers watched fish populations decline and spawning ranges contract, questions of ownership, use, and control of the rivers and their resources were pushed to the fore.[105]

Although some legal efforts were made in the late seventeenth century to regulate open access and preserve fish in southern waters, the earliest fishing laws met with limited success and, at times, even less enthusiasm. North Carolina's act to prevent the "unseasonable destruction of Fish" in certain rivers was rejected by Gov. William Tryon in 1769. Tryon argued that the commercial fisheries that supplied herring "to the West India markets" needed protection from the proposed legislation that would prohibit "joining many seins together at the proper season" to catch greater numbers of fish. North Carolina's coastal fisheries had been so successful at impeding the spring spawning runs that the governor wondered aloud why "the Virginians do not complain of the want of Herrings." Any restraint on the profitable trade would be "prejudicial to the general interest of the country, and destructive of that spirit of industry and commerce so much wanted to be encouraged in this colony," he concluded.[106] The government's view was, not surprisingly, that the commercial value of fish to colonial trading networks trumped the desire of upriver settlers to catch herrings.

Of even greater value than the migrations of fish were the movements of the rivers themselves. As transportation routes, waterways were essential for moving people and produce from the interior to the coast. English common law assigned ownership of navigable waters to the Crown, and Americans,



Fish-nets in the Peedee River. An illustration from a late nineteenth-century government commission report shows one type of upriver fishery operation. George Brown Goode, *The Fisheries and Fishery Industries of the United States* (Washington, DC, 1887). Photo courtesy of the NOAA National Marine Fisheries Service.

following on English riparian principles, deemed navigable rivers the public property of the states. Landowners on such rivers, unlike those located on non-navigable streams, could not claim private-property rights to the waters.[107] Early nineteenth-century legal theorists went even further to redefine navigability in the American context. While English common law considered navigable waters to be only those in which the tide ebbed and flowed, early nineteenth-century American jurists argued for more expansive criteria, since "the great rivers of *America* are so different from those of *England*."[108] Major American waterways stretched so far inland that the tide did not affect them, thus rendering the English rule inapplicable.[109] Instead, American legislators designated large rivers and even some smaller ones as public highways and put them under the regulatory control of the state.[110]

Turning rivers into public highways, however, was not simply a matter of legal definition. It often required transformative work. Obstructions to

navigation, both natural and man-made, had to be eliminated, prevented, or circumvented.[111] Many citizens asked for even more to be done, petitioning southern legislatures in the late eighteenth and early nineteenth centuries for additional actions to improve and extend the navigability of larger rivers. In far western Harrison County, inhabitants requested a 1794 act from the Virginia legislature to "open and extend the navigation of the Monogahalia and the West Fork Rivers." A later appeal from residents to allow the erection of an ironworks on the West Fork River was granted with the proviso that any dam would not be higher than three feet and would allow the "easy passage of fish or flat bottom boats."[112] Farther east, the president and directors of the Potomac Company, chartered in 1785 to improve navigation for commerce, complained to the legislature in 1799 about "a general custom of forming dams across the river for fishing baskets." These "Fish Potts," as they were commonly called, blocked river traffic. The company's considerable expenditures to build skirting canals around falls and to remove obstructions from the river channel were rendered worthless by the fish dams. Maryland's lawmakers, the Potomac Company complaint asserted, had already outlawed this fishing practice and were contemplating stiff penalties for infractions.[113]

Efforts to create riverine highways for the public good often benefited migratory fish as well. Special laws that prohibited fish dams, stone stops, hedges, and other fixed fishing contrivances, so as to not interfere with boat travel, concomitantly curbed intensive fishing practices in many southern waterways. The removal of natural obstructions to clear rivers also allowed migratory fish to travel farther upriver than they had before. Canals built to skirt waterfalls or connect lakes and river systems presented new paths for fish to travel. On North Carolina's Albemarle Peninsula, for example, man-made canals built in the early nineteenth century linked the region's many large, wetland lakes and opened those waters to migrations of river herrings for the first time.[114]

For upriver inhabitants where few or no migratory fish appeared, navigation improvements promised the possibility of new fisheries. For those with established fisheries, however, the legal designation of certain rivers as public highways could threaten their livelihoods. Fishermen complained at length in 1816 about the introduction of steam vessels on the Potomac River. The "constant and loud roaring sound of the working of her Iron Machinery," they maintained, imitated the sound of thunder, driving the shad and herring into deeper waters and away from fishermen's nets. The new

boats traveled at such high speeds that fishermen could not get their seines out of the way of oncoming vessels, especially at night. The value of their properties, Potomac fishermen argued, was sacrificed simply "for the sake of a little more convenience and expedition to a few travelers." In a contest of private interests, the fishermen believed that a few seasonal limitations on the steamboat companies would be less of an imposition than the "loss to us of our whole year's profit" from the springtime spawning runs.[115]

Navigability, however, was a confusing issue, even for legal minds. Definitions varied from region to region, state to state. For some, navigable waters had to admit larger vessels, while others interpreted navigability as simply "floatable" waters that could accommodate any sort of boat or raft. Ownership of the river's attributes was also unclear. In some cases, a river might be deemed a public highway, but the soil of the riverbed might still be claimed by the riparian owners on either side. Those owners could prevent fishing in the waters opposite their shores. The question of shorelines was equally bewildering. Some states allowed public access to riverbanks, while others conceded only a temporary right of mooring for boats on privately held shorelines. Any river might have several different property arrangements applied along its length that governed access to fish. Downriver sections might be designated as entirely public property, while a middle section of the same river could be split into publically owned waters and a privately possessed riverbed. An upriver section, beyond the point of navigability, could be entirely privately owned with exclusive fishery rights held by the adjacent landholders. The general trend in the nineteenth century, however, was toward expanding public property in waterways, since lawmakers presumed this would serve the greater public good.[116]

The most visible obstacles to transportation and to fish in the early republic were the milldams that seemed to spring up on almost every southern river or stream of any size. Small, preindustrial water-powered mills for grain, lumber, and cloth had been features of maturing colonial communities since the seventeenth century.[117] But in the late eighteenth century, mill construction accelerated. Local gristmills and sawmills spread more widely across the countryside, and industrial mills began to appear on larger rivers. Milldams, both high and low, were built to store the energy extracted from the river's current and impeded the free movement of water, boats, rafts, and fish.[118] Lawmakers were willing to authorize this use of rivers, however, since they considered mills to be public enterprises. As such, mills served the general good much in the same way that watercourses func-

tioned as public highways. Both uses promoted economic development. A variety of mill acts, first passed in colonial assemblies and later revised and extended by state legislatures, gave mill owners wide latitude in constructing dams. The laws permitted mill owners to obstruct waterways and overflow their neighbors' lands without fear of provoking suits for trespass or nuisance. Even as water-powered mills became increasingly private concerns for the sole use and benefit of their proprietors, courts continued to uphold their status as "public goods." In doing so, legal authorities diluted the eighteenth-century inviolability of landed property. Landowners' absolute dominion gave way to mill owners' private interests.[119]

The interests of fish, however, were not so well represented, or even understood, in the centuries-long process of milldam lawmaking. Although acts authorizing the erection of milldams routinely included provisions for migrating fish and boat traffic, the proposed remedies were often ineffective or left unenforced. Virginia's 1759 law requiring mill owners on the Rapidan River to leave in their dams openings or "fish slopes" at least ten feet wide was not unusual.[120] Nor was the repeal of that same law about twenty years later, it having been found "not to answer the purposes for which it was intended."[121] In North Carolina, Moore County residents protested that "the benevolent & just purposes" of a 1787 law requiring rivers to be "kept open at seasonable times" was being subverted by commissioners who refused to act in accordance with the law.[122] Mill proprietor Robert Parker petitioned Virginia's legislature himself in 1791, writing that he was "like to come to trouble in regard of his mill dam respecting the passage for fish." Though an act of the assembly obliged mill owners "to make a sufficient passage for fish and boats," it provided no specifics about what constituted a "sufficient" opening. Until the Hampshire County courts appointed trustees to judge the adequacy of his dam, Parker feared there would be too much "rume for complaints" from his neighbors.[123]

Parker's question was a valid one. Fishermen, mill owners, and legislators had little understanding of how dams might influence fish ecology. After observing that shad had been "entirely diverted" from the Tyger and Enoree Rivers in 1808, South Carolinian mill proponents confessed, "We do not know the laws that determine the migration of fish."[124] Building slopes or sluices that would admit enough fish to maintain their populations was a problem that exceeded nineteenth-century scientific and engineering capabilities. Studies of modern fish ladders and lifts have determined these technologies to be largely failures, especially for American shad. Even

with up-to-date fishways, less than 3 percent of shad were able to reach spawning grounds on rivers with multiple hydroelectric dams.[125] Presumably, eighteenth- and nineteenth-century fish passages were no more effective. As upriver inhabitants watched fish populations steadily decline or even disappear in the early nineteenth century, they accused nearby mill owners of not doing enough to protect this valuable wild-animal resource.

Mill owners responded by insisting that their dams were not responsible for the deteriorating conditions of river fisheries. Unlike milldam opponents who tended to locate the problem closer to home, mill proprietors often pointed to broader environmental conditions that could influence fish populations. Thomas Field's 1788 counterpetition to the Virginia legislature laid out that argument clearly. Field and other mill supporters in Mecklenburg County questioned the "great injury" Granville County, North Carolina, residents "pretend[ed] to sustain" from Field's Grassy Creek dam, located just across the state line. The counterpetition offered "a few facts" to rebut the North Carolinians' charges. First, the Roanoke River, of which the creek was a tributary, frequently flooded to levels above the height of the dam. Fish easily passed over the dam during these floods, so fish slopes were unnecessary. Second, multiple mills had already been erected on the river, including one only a few miles upstream that had "a mill dam beyond which no fish can ever pass." That dam had been in place for twenty or thirty years. Milldams at the mouths of other creeks had also drawn no complaints from the Granville County petitioners. Another cause for declining fish populations, the mill's supporters argued, was the clearing of farmlands at the heads of creeks. The exposed soil washed into the streams and made them "continually foul and muddy" and unfit for spawning.[126] Here was an almost ecosystemic view of river fisheries, albeit one that accepted the decline of fish as an inevitable consequence of economic development. In advancing their own interests, mill owners and their supporters considered the entire extent of fish spaces, rather than just local conditions, to explain the rise and fall of their rivers' fisheries.[127]

Southern mill owners proffered other rejoinders to the multiple complaints lodged against their dams. Many insisted that they had, often at great expense, complied with all the laws governing the construction and operation of their dams, including the requirements for suitable fish passages.[128] Others claimed that the most vocal opponents to their dams were not concerned fishermen but rival mill owners. Michael Truitt identified the "owners of the mills on the forks of Falling River" in Campbell County,

Virginia, as the "principle promoters" of several petitions calling for the removal of his dam downstream.[129] Field's supporters in Mecklenburg likewise averred that they could not take their opponents' protests "in the light of a publick spirited measure as intended for the common good." Thomas Gaulbreadth, "the author and promoter" of the petition against Field's dam had recently asked the county court for permission to build his own mill on Falling River.[130] According to mill owners, these were not controversies over public rights to fish or free navigation. They were contests between opposing sets of private interests.

Indeed, the strongest arguments launched by mill proprietors were cast as defenses of their private possessions. Local attacks on milldams to improve fishing or government efforts to remove dams to improve navigation were, in mill owners' estimations, assaults on private property. Accordingly, mill supporters explained their opposition to opening the Appomattox River in 1787 with a plea for the sanctity of private property. Efforts to "put a period to the mills on the said river on the pretence of being thereby fully supplied with Fish" could not "be effected at all without flagrant injustice and oppression," the petitioners argued. The owners of the mills affected had "erected them at a considerable expence under the sanction of the laws and the faith of Government to protect them in there [*sic*] rights." Any "visionary scheme" to deprive proprietors of their dams would "materially injure us & our posterity," they swore.[131] Nearly forty years later, in far western Russell County, William Nash responded to the dispute over his Clinch River milldam by questioning his opponents' motives. If the community's complaints were "founded upon a principle of public interest," Nash wrote to the Virginia legislature, "your Petitioner would remain silent." But since any alteration of his dam could be of no general benefit to the community at large, Nash and his supporters were "unwilling that themselves or any individual should be molested in the full enjoyment of his property to gratify the caprices of the discontented."[132]

Still, proprietors of river mills did not abandon notions of the common good altogether. When it suited their interests, mill owners were quick to meld their defense of private property with arguments for common rights. Mill supporters characterized plans to remove or restrict milldams as assaults on the community's public goods.[133] Those common rights superseded any desires to improve navigation for a few travelers. Without "Publick Mills," people would be "deprived of a way of getting corn or wheat ground," or they would have to travel great distances to get their meal.[134] Proprietors on the

Appomattox River, while defending their private-property rights in 1787, argued at the same time that river mills were also "the best and first of conveniences" for local residents.[135] Hundreds of families on the Rappahannock River, among whom were many slaveholders with "Eighty and a Hundred souls under their charge," would be "put to the utmost distress" if local mills ceased to exist, Orange and Culpepper County petitioners claimed in 1778. They continued: "O Horrid Arrogancy! To compel y[ou]r petitioners to Employ three or four of their best Hands to pound corn in a mortar to gratify a few individuals" who believed the stops in the river obstructed spawning runs.[136] Mills served greater community needs, owners insisted, while fish appeased only limited individual wants.

Besides, according to mill owners, huge fish populations and enormous spawning runs in southern waterways were mostly a thing of the past. The numbers of fish that made it up North Carolina's Tar River as far as the counties of Nash and Edgecombe in 1810 were, argued mill supporters, "not enough to remunerate persons who attempt to take them."[137] What few fish were left in the little county rivers of Wayne and Johnston could "in no wise be as much Benefit to the Inhabitants," wrote other North Carolinians, as were the "good and usefull Mills."[138] On the Appomattox in Virginia, mill proprietors claimed that fish populations had dwindled long before the first dam was ever erected on the river. "So slender were the supplies of Fish among us," complainants swore in 1787, "that to the industrious they gave but a matter of amusement and to the idle, a destructive occupation."[139] The same held true for Grassy Creek in Mecklenburg County, North Carolina, and the Tyger and Enoree Rivers in South Carolina. Even if the rivers were reopened, the few fish that could be caught during "the critical season of the year" were no "inducement for an industrious planter to neglect his farm & attend a fishery." Therefore, the shad and other fish were hardly worth the effort to preserve. They certainly did not warrant the destruction of or limitations on milldams.[140]

In the mill owners' calculus, the public value of their enterprises outweighed the advantages derived from competing uses of southern rivers: common rights to fish and public rights of navigation. Various mill acts of the colonial and early national eras provided legal support for their position. The law gave owners license to appropriate the energy stored in the waters to power their gristmills, sawmills, and iron forges. These enterprises furthered local economic development, ostensibly for the good of the community. But mills were not public properties, no matter how loudly mill

supporters touted their public benefits. The flowing river waters might be part of the commons or a public highway, but when impounded by a dam, diverted through a millrace, and impelled around a water wheel, they were transformed into the mechanical components of the mill owner's exclusive property. Proprietors sought to extend a kind of absolute dominion over the waters' energy. By the end of the eighteenth century, mill owners were defending their individual access to common waterways with arguments that blended early republican conceptions of the common good, public utility, and private rights into a new understanding of property as severable resources. Although mill owners were not primarily interested in possessing the fish—being perfectly happy if the shad, herrings, and other migrants breached the man-made structures set in their way—proprietors were not willing to sacrifice their property to the biological needs of wild creatures.

The fish did matter to riparian landowners, though. Residents on Virginia's Bannister River in 1791 pointed out that when Virginia's county courts inquired into the potential damages caused by milldam construction, as was required by law, they failed to "recollect the injury which might insue thereafter to the inhabitants" living above the mills. Flooded farmlands were not the only damages freeholders sustained when milldams blocked the rivers. Owners purchased their riverfront lands, often at elevated prices, "not only for the benefits of tilling the soil but for the benefit of the Fish they might take out of said River."[141] Similar sentiments came from landowners on the James River, who insisted that in "fixing and continuing their habitations contiguous to this river, the advantage of fish was not among the most inconsiderable of inducements."[142] When Bedford and Franklin County inhabitants complained about milldams on the Staunton River in 1806, they recalled that tens of thousands of shad were caught in earlier seasons at the properties far upriver. Now there were "nearly none."[143] Without the regular migrations of shad, herrings, and other fish, individual properties along the southern rivers lost much of their intrinsic value.

In many cases, that value included the profits to be made in selling fish to the local community. Abundant fish afforded waterfront property owners a lucrative sideline, especially during spring runs when salmon, trout, shad, herrings, and alewives traveled inland to spawn at residents' doorsteps. This local trade provided Lancaster County cottagers, for example, with a competency. An individual without extensive landholdings could still "earn two or three dollars a day" selling fish and oysters caught in the creeks and rivers that constituted "the principal property of many."[144] In 1802, petitioners

argued that, before the James River was blocked at Richmond by dams, nets, and traps, Buckingham County's local fisheries amply supplied "the owners of the seins and their families" and produced "a large surplus also toward supporting the families of their poor neighbors and others." Once those obstacles were erected, however, the numbers of fish passing upriver declined to a point where it was no longer "an inducement with any one to purchase a seine or clear out fishery." Buckingham County residents were now "obliged to purchase fish in the city of Richmond at extravagant prices." The petitioners poetically concluded that, in a time not too far distant, all the fish would be gone, so that "not a single fish be seen / to swim beneath the silent wave."[145] For landowners, the loss of their local fisheries was not simply an economic disadvantage; it was the loss of a private right in rivers that was inseparable from the possession of their lands.

Southern lawmakers initially supported upstream owners' claims to at least a share of the migrating fish.[146] Late eighteenth- and early nineteenth-century statutes prohibited proprietors of mills and downriver fisheries from completely blocking waterways, in order to benefit "those having property" on the affected rivers.[147] Owners of fish dams and traps on the James River in Virginia were legally required to leave at least thirty feet of the river open to allow for the passage of fish.[148] Other acts mandated that one quarter to one third of each river's width be free of obstructions in order to permit fish to ascend.[149] North Carolina legislators allowed "every person owning land" on the Roanoke River to have "the privilege and liberty of taking up" any contiguous islands or rocks in the river for the purpose of erecting fishing stands. The act was designed to prevent others, mostly propertyless nonresidents, from setting up "stands, stops, or dams" to take river fish.[150] When the US government condemned private properties at Bogue Banks, state officials reserved the right of fishing to the expropriated landowners—a clear signal that North Carolina's lawmakers understood fishing as a distinct property claim. These rules and the many others governing southern waterways testified to the power of riparian owners' arguments. Authorities accepted the logic that landholders enjoyed more than a liberty of fishing; they possessed a property right to fish.[151]

For their parts, owners of waterfront land and local fisheries followed a wavering current of reasoning that muddled ideas about private property in wild fish and the community's common rights. Riparian petitioners protested against downstream developments that deprived them of the fish they assumed to be part of their lands' natural assets. In the same breath, though,

they questioned the motives of individuals elsewhere who monopolized the shad, herrings, and alewives for their private gain and to the detriment of the common good.[152] Small fishery proprietors on the upper portions of the James River (who formerly had taken a thousand or more shad in their seines each day) complained about private fish traps placed at the fall line and the "numbers of hogs fattened on the young shad" downstream. This wastage was not only an attack on their exclusive rights as riparian owners but also an assault on community members' self-sufficiency. Without access to fish, "the tired and famished labourer" could not secure his subsistence, let alone hope to attain a competency.[153] Claiming a private-property right in a common resource, riparian owners linked both understandings of wild fish—as a commons and as their private possessions—to republican independence.

The Root of Liberty

Defending private-property rights in fish was a tactic pursued not only by upstream landowners but also by large-scale, well-established plantation fisheries below the fall line. Extensive fishing operations, such as those at George Washington's Mount Vernon estate, contributed substantively to planters' revenues in the Revolutionary and early national eras. Washington's multiple Potomac River fisheries sold shad, herring, and whitefish as cheap provisions for slaves to local and West Indian planters. During the Revolution, these fisheries produced much-needed food for Continental soldiers.[154] By the turn of the nineteenth century, more than a third of even minor slaveholders in St. Mary's County, Maryland, and York County, Virginia, owned boats and fishing equipment.[155] Large slaveholders with riverfront plantations, like the Harrison family's Berkeley Plantation on the James River, operated more sizeable fisheries. Harvesting the vast spawning runs of anadromous fishes, they reaped profits that, at times, exceeded those derived from their agricultural pursuits.[156]

Consequently, plantation fishery owners reacted strongly to early national efforts to open major rivers for navigation. In 1799, proprietors of lands on the Pamunkey River in Virginia stated their opposition to the laws prohibiting river obstructions. Owners argued that although their fish weirs and hedges certainly posed obstacles to river transportation, they were but seasonal inconveniences to a few.[157] Potomac River landowners objected to the steamboats that would "destroy fisheries on the river hitherto profitable to the proprietors." Owners' work "to clear the waters" and build "expensive buildings for the purpose of carrying on fishery upon a large scale"

would be for naught, petitioners declared in 1816. The "fruits of our toils and expenses," they predicted, would be "snatched from our hands." The worth of their river properties would be "greatly depreciated." This was particularly unfair since "all valuations for Public assessments are rated higher on account of the supposed advantages derived from the Fisheries."[158] A little convenience to travelers was not, in fishery owners' estimations, a sufficient reason to deprive landholders of their property rights.

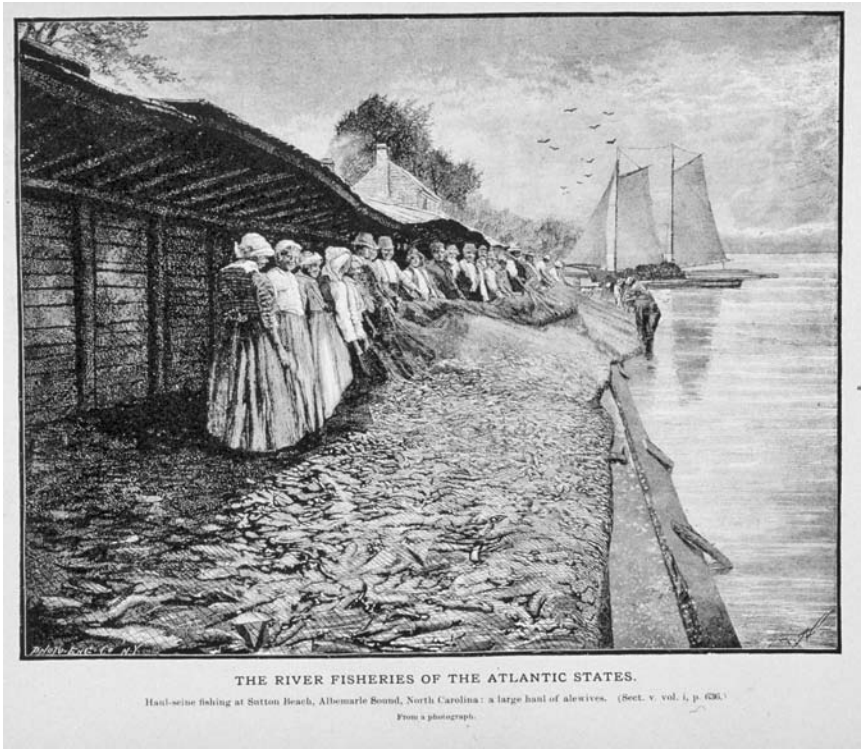
Of course, large fishery proprietors were less concerned about depriving their competitors and other upriver landowners. Pamunkey River fishery proprietors situated in eastern counties, for example, dismissed the carping of "the People who live at the heads of the River," who blamed those downstream for the decline of migrating fish.[159] In North Carolina, slaveholder Thomas Matthias balked at a demand from his neighbors, Henry Bennett and John Coffield, to prevent "persons engaged in the business of fishing for herrings in Rockahock Creek" from blocking more than two-thirds of the stream. Bennett and Coffield, each a relatively large slaveholder and fishery proprietor, owned lands on both sides of the creek just above Matthias's holdings. Their 1810 proposal, Matthias explained, would effectively destroy his fishery only "to enrich the said Henry P. Bennett." A law designed to deprive Matthias of the rights associated with his waterfront property would "be extremely novel and unprecedented, and in its operation partial, unjust, and extremely grievous and oppressive." Convinced, the North Carolina legislature rejected Bennett's grievance.[160]

More threatening to the proprietors of established plantation fisheries were the industrialized fishing operations that sprang up near the mouths of southern rivers in the early nineteenth century. Commercial fishermen were not riparian landowners. They took advantage of the public property in navigable waterways, deploying drifting seines or floating gill nets from their boats. These gill nets—vertical panels of mesh that entangled fish by slipping behind their gill covers—could be fixed from shore to shore, suspended between boats, or left free to drift with the current. Commercial fishing methods were relatively simple and effective. Drift nets were a particularly efficient means of harvesting large numbers of migrating and schooling fish near the water's surface. Fishermen also constructed large rafts from which they could spool out their seines and then process their catch once it was hauled aboard. Others used mule-driven windlasses on shore to crank in enormous haul seines, sometimes more than two thousand yards in length, which were stretched across the mouths of southern

rivers and coastal sounds. Seiners worked round the clock during spawning runs, scouring the rivers of migrating shad, herrings, and alewives. Processing the tens to hundreds of thousands of fish caught required a large labor force, and Virginia's commercial operators began to pester lawmakers in the 1830s for special dispensation to import free-black workers during the fishing season. With their large-scale and labor-intensive fishing practices, coastal commercial fishermen seemed determined not to allow a single fish to return to their natal streams.[161]

At least that was how it appeared to many upriver proprietors. In New Kent County, Virginia, shore-based haul-seine operators were convinced that drift or floating seines set downstream had seriously damaged their fisheries. One fisherman testified that he had caught less than five thousand shad with his seine in the 1815 season, which was nearly seven thousand less than he had caught the year before.[162] Benjamin Harrison's plantation fishery on the James River "had yielded a clear annual income of $1500 or $1800" before the introduction of float seines on the river. After that, though, the proceeds from fishing barely covered Harrison's expenses.[163] In 1817, proprietors of Potomac fisheries argued that tide and gill nets, "set by persons not even inhabitants of the vicinity of the places so infested by them," had decimated the shad population.[164] They raised their complaints again in 1836, observing that the use of gill nets and enormous seines at river mouths allowed the "advantages and profits of fishing" to be "secured to a few persons in a few positions." Commercial operators had managed to monopolize a wild resource without owning it.[165]

Riverfront proprietors fought back, agitating for new laws to prohibit intensive commercial fishing practices in southern waters. Predictably, they justified their actions as protections of their property rights in land and fish. In Camden County, North Carolina, residents asked legislators to protect landowners from those who made it "their business" to catch all the fish out of Crooked Creek by using set and drag nets.[166] Fishery owners on the James and Chickahominy Rivers implored lawmakers to outlaw the floating seines and drift nets they believed "interfere[d] with the rights of some of your petitioners." Such actions were necessary to "secure to your petitioners & others the exclusive use & enjoyment of such fisheries as they by their industry and at their own Expence have rendered valuable."[167] Commercial fishermen had no legal possession claim on the rivers. They simply exploited public waters, extracting unowned animal resources. In contrast, riparian owners purchased and improved their fisheries. Shore-based


THE RIVER FISHERIES OF THE ATLANTIC STATES.
Haul-seine fishing at Sutton Beach, Albemarle Sound, North Carolina: a large haul of alewives. (Sect. v. vol. i, p. 636.)
From a photograph.

Haul-seine fishing at Sutton Beach, Albemarle Sound, North Carolina. A late nineteenth-century illustration showing a large alewives catch using a shore-based haul seine. George Brown Goode, *The Fisheries and Fishery Industries of the United States* (Washington, DC, 1887). Photo courtesy of the NOAA National Marine Fisheries Service.

fishery proprietors contributed to the public good by making their catch available, for a price, to inhabitants near and far. In their formulation of republican virtue and freeholder independence, this constituted a defensible right to possess the water and its fish.

Besides, open access to fish threatened the natural animal abundance that had fueled American colonizing from the start. Unrestrained commercial shad, alewife, and herring fishing over the years had truncated spawning runs and reduced average fish sizes. Unregulated fishing had also depleted the inshore stocks of mackerel and cod that fed on the smaller migratory fishes. The changes were already apparent in 1804 when Norfolk and Princess Anne County landowners lobbied the Virginia legislature for protections

on anadromous fish. The "many persons hauling seines upon the Beaches and Shores of the Bays, Rivers, Creeks and other waters within this Commonwealth at an improper season of the year," petitioners wrote, would "destroy the principal Fisheries within this Commonwealth, more especially those of Shads and Herrings." The petition's subscribers asked for remedies, "not as a matter of local policy or particular interest to themselves" but rather "for the general welfare of every part of the Commonwealth." Open access to fish was not in the common good.[168]

Commercial operators had their own ideas about fish, the public good, and republican virtue. In a response to the waterfront proprietors' 1804 petition, Norfolk County commercial fishermen lambasted any attempts "to restrict the equal rights of man over the beds of navigable waters." Any such measure would be not only unconstitutional but also "unjust, tyrannical, and oppressive." The Norfolk County petitioners went even further, recasting the national struggle for independence as a fight over fish. The state, they proclaimed, could not take "from the great mass of your citizens a privilege which they have enjoyed from the close of the revolutionary war." This was "a privilege which they hold most sacred considering as having been obtained for them and their posterity by the blood of their fathers." If legislators adhered to "the pure principals of Republican Liberty and equal rights of man," they would have to reject limitations on the people's free access to wild fish. Any laws "giving an exclusive privilege" of fishing to a small number of landowners would impinge on the environmental rights of the majority and would thus "strike a fatal blow at the root of Liberty."[169]

Virginia's legislators apparently found the opposing Norfolk County arguments equally compelling, marking both the petition and counterpetition reasonable. Therein lay the problem. That the two sides could successfully wield the same republican language of equality, civic virtue, and property rights in nature to defend an entire spectrum of property and nonproperty arrangements—open access, commons, public ownership, private property—reveals how poorly wild animals fit into developing Anglo-American property regimes. Fish proved too fluid to be captured in such rigid legal traps. Shad and other migratory fishes became legal actors instead, their actions forcing American colonizers to grapple with the meanings of property.

The welter of eighteenth- and nineteenth-century fishing petitions, milldam disputes, and water laws cannot be explained simply as a contest pitting yeoman subsistence against the market, private property against common rights, or fishermen against mill owners. The conflict was fundamentally a

confrontation between fish and the legalities of colonization. Arguments about fish represented a reworking of the English colonizing vision within a newly forged American political context. Over centuries of colonization, Americans had come to expect the liberty to fish freely as their reward for doing the transformative work of settlement. The republican ideology of the Revolution, however, led citizens even further to claim competing and sometimes contradictory versions of property rights to fish and the waters in which they lived. Their ensuing arguments disclosed the real limitations wild animals imposed on the colonizers' project. Legally reinventing the landscape—turning it into fixed, severable, and ultimately dead places to be possessed—failed to account for the habits of the indigenous creatures to which Americans believed they were entitled. Fish confounded the legalities of American colonizing. The law was incapable of admitting that wild fishes moved, inseparably from the waters, through living spaces that could not be individually owned.

The Liberty of Killing a Deer

George Campbell might well have been confused to find his fate hanging on a deer. He stood trial in a Georgia court for a crime that had nothing to do with deer, forests, or hunting. Charged with "malicious shooting," Campbell's case was a simple one of assault. But when the prosecution chose to pursue a capital conviction under England's 1723 Black Act, the deer became, in a sense, a friend of the court.[1] Though the Black Act, part of eighteenth-century Britain's repressive "bloody code," redefined some fifty different offenses as capital crimes, (including maiming cattle, burning barns, cutting down trees, breaking fishponds, sending threatening letters, and shooting maliciously at any person), its preamble identified deer poaching as the law's primary target.[2] In deciding the 1808 case of *State v. Campbell,* the distinguished jurist of Georgia's Eastern Judicial Circuit and determined republican Thomas Usher Pulaski Charlton called on the deer to explain why the Black Act was not relevant to American conditions or to Campbell's case.[3] The law had been devised, as the defense argued, "to protect from the violation or profanation of the people, the forest of his majesty or the park of the peer." The American environmental and social contexts, however, were very different. In "a country which was but one extended forest," there were no private parks or royal forests to contain the deer as property reserved for aristocratic amusements. The English statute, therefore, "never could have been in force" in Britain's American colonies, nor could it apply to the new states. The "natural rights of the deer to rove" had always been unbounded, Charlton insisted. So, too, was the "the liberty of killing a deer."[4]

This language of natural rights and liberty carried added import in the years after independence, especially to staunch Jeffersonians like Charlton. As late eighteenth- and early nineteenth-century Americans distanced

themselves from English legal authority and colonial social hierarchies, defenses of exclusive privileges seemed out of keeping with the genius of the new republic.[5] In this setting, private claims to the multitudes of free-roaming wild animals sounded absurd, even un-American, as Charlton alleged. Deer were free for the taking in America. A widely available and abundant source of subsistence, profit, and sport, these animals had long been advertised as a boon to settlers more familiar with an English environment of restrictive game laws. White-tailed deer, perhaps more than any other American creature, symbolized the class-leveling promise of democratic access to wild animals.

Significant, too, was Charlton's fixation on the roving of the deer, for whitetails' mobility challenged an English colonizing vision of private property, exclusive ownership, permanent habitations, and improvement. Deer undermined the fixity of English settler societies in distinctive ways, more so than other wild creatures that preoccupied colonists and lawmakers. The beaver trade compelled Native American hunters and traders to travel over vast spaces to reach dispersed beaver territories but left colonists mostly in place. Furs came to English traders, not the other way around. Wolves ranged widely, but English settlers were not inclined to follow them far. So long as predators stayed well away from farms and livestock, colonizers were willing to let them remain in the wilderness out beyond. Migratory fish traveled the farthest of all, yet they were contained within specific, watery channels. Fishermen waited for the shad to return seasonally to local rivers and streams; they did not go out in search of them. In contrast, deer encouraged colonists to move and, in some cases, to move far. Deer hunters left behind the rational order of established English settlements to pursue the retreating whitetails into the "one extended forest" of the West.

In the southern Appalachians, encounters between deer, Native Americans, and colonists during the Revolutionary and early national eras produced two competing understandings of hunting grounds. The first came from southern backwoodsmen who saw American deer as free resources with both subsistence and commercial value. Deer led hunters to trespass on their neighbors' private property. In the process, deer hunters undermined the inviolability of property holders' boundaries and the improvements more orderly colonists made to their lands. As colonial lawmakers tried to restrain hunting around established English settlements, they pushed deer hunters to the edges and, eventually, across the Appalachians to open, unpossessed spaces where abundant whitetails could still be found. Highly

mobile deerskin hunters spread a new pattern of extensive Anglo-American settlement across the southern backcountry and on the frontier, a pattern marked by transience and mixed subsistence economies. Combining hunting and free-range animal husbandry with limited agricultural production, southern frontier families had little incentive to engage in intensive improvement or even settle themselves on the land. Instead, they sought free access to common hunting grounds where they could exploit wild creatures, especially the deer.[6] The result was a not a rationally designed and legally sanctioned process of English colonizing but rather a seemingly haphazard and disordered American occupation of the trans-Appalachian frontier.

The second definition of hunting grounds arose out of colonial conflicts with Native Americans over expansive territories where Indians hunted deer and other wild creatures. In an effort to prevent violent frontier confrontations, Anglo-American authorities began in the mid-eighteenth century to designate specific areas in the southern Appalachians as "Indian hunting grounds," a move that obstructed the extension of American political control and retarded frontier settlement for a time. The legal construction of hunting grounds tied Indian possession claims not to the soil but to the deer that lived there. In theory, it closed off Euro-American access to the deer and the land. Indians possessed their hunting grounds, but only so long as there were deer left to rove.

Taken together, these Revolutionary-era understandings of hunting grounds represented distinctly American variations on the colonizing theme—variations that emphasized wild creatures as complements to independence, self-sufficiency, and proprietorship on the western frontier. Over the course of the eighteenth century, American colonizers imagined new kinds of possession claims—claims that had no analogs in English law. These were contested claims, linked directly to the deer and other wild creatures roaming the southern frontier. In Kentucky, American colonizers envisaged a hunting ground as a "great natural park," a common range offering white settlers unrestricted access to unowned wild animals. Farther south, in the western Carolinas, Tennessee, and northern Georgia, Anglo-American authorities granted certain Indians legally enforceable claims to their hunting territories. While protected hunting grounds gave Cherokee, Creek, Chickasaw, and other southern tribes racially based, exclusive rights to the deer and the land, in the end, those rights proved to be as elusive as the whitetails on which they depended. In order to justify dispossession and removal, American lawmakers concocted the doctrine of a temporary

"Indian title" in the early nineteenth century, and they then used the deer to explain away Native American land rights. The legal status of hunting grounds—Native American property or colonial commons—was at issue throughout the Revolutionary era and into the early nineteenth century. This unresolved question shaped a new course of American colonizing on the western frontier and, unintentionally, gave the white-tailed deer an active role in that process.

So Great a Quantity of Deer

To the earliest English observers, North America appeared to be well "replenished with Deere."[7] Colonial promoters in the sixteenth and seventeenth centuries described a southern landscape so covered with "infinite herds" of deer "that the whole Country seems but one continued Park."[8] The reports were not exaggerations. The eastern white-tailed deer (*Odocoileus virginianus*) was indeed abundant and widespread at the time of European contact. Biologists estimate that the North American white-tailed deer population ranged from 20 to 30 million animals in the precolonial era.[9] A more qualitative description of whitetail abundance came early in the seventeenth century from Father Andrew White, who airily claimed that Maryland's numerous deer were more "troublesome than advantageous."[10] Deer in the Chesapeake were "little or not at all affrighted at the face of a man," according to George Alsop. The animals took "their ranging and unmeasured walks" in a distinctly wild American environment—a "Park" that was "bounded and impanell'd in with no other pales then the rough and billowed Ocean."[11] Unenclosed and unowned, white-tailed deer awaited only colonizers' attentions.

Though American deer were decidedly numerous before European colonization, they were not evenly distributed across the continent. Historically, the highest population densities occurred in the eastern coastal wetlands and the forested river bottoms and upland glades east of the Mississippi River. Within those regions, deer chose particular spaces—edge habitats—to occupy. In those transitional environments between forest and fields, or along creeks and lakes, deer could find their preferred food sources: grasses, woody shrubs, and saplings. Knowledgeable about deer habits, Southeastern Indians often created favorable surroundings for whitetails by clearing and periodically burning woodlands. These efforts to cultivate suitable habitats reveal the signal importance of deer to precontact Native American economies. From the Archaic period through the 1500s, deer represented

the main terrestrial meat source for southeastern tribes. Intensive native hunting may have reduced deer populations locally, such as in the Virginia Tidewater, but Indians' seasonal mobility and periodic resting of hunting areas allowed for the animals' recovery to the levels English colonizers found remarkable in their first encounters. In the Chesapeake, reports of abundant whitetails were so prevalent in the earliest English accounts that the animal came to be known commonly as the Virginia deer.[12]

For the English, abundant, free-roaming deer were worthy of remark since they highlighted one of the main differences between American wild beasts and English game: American deer were unowned. In the British Isles, a growing body of legislation that began with eleventh-century forest laws and fourteenth-century hunting qualification acts had progressively circumscribed access to deer. Early English hunting statutes legally redefined the status of some wild animals from beasts *ferae naturae* to "game," a process that would be reversed for a time in American law. English law limited hunting rights. Property holders possessed a right to game by their ownership of the soil (*ratione soli*). The Crown and grantees of the royal prerogative held the right to game by reason of privilege (*ratione privilegii*). The legal lines drawn in the early forest laws and hunting qualification statutes established the basis upon which the seventeenth- and eighteenth-century game code would assign private property rights in "gentlemen's game," including deer, to the owners of parks, warrens, and chases.[13]

Between the Norman Conquest and the early nineteenth century, English authorities combated deer stealing in royal preserves and privately owned deer parks with stringent penalties. William the Conqueror's forest laws recommended blinding or castration for poachers, while the eighteenth century's notorious Black Act made illegal deer killing a capital, or at least a transportable, offense. Yeomen, laborers, foresters, and some gentry contested the class-based assertion of ownership over deer, especially as enclosure walled off wastes and woodlands to local use. Despite draconian efforts to restrict hunting to the elite, English deer stocks declined steadily over the centuries, with roe deer (one of two indigenous English deer species) becoming practically extinct in the southern and midland regions by the sixteenth century. Hence, elites and commoners alike had come to see deer and venison as exceedingly rare commodities.[14]

Little wonder then, that colonial promoters highlighted the multitudes of wild deer in America and linked them to the success of English colonizing projects. The struggling Virginia Company pointed to abundant American

deer to refute the "scandalous reports" maligning their colonial enterprise. The Virginia Council's 1610 declaration cataloged the "Beasts of the Countrie" and claimed that the deer were equal, "people for people considered," to all the oxen in Europe. Assuming English readers might be skeptical of such grandiose claims, the council provided eyewitness evidence to support their defense. In the area around the English fort, colonists had often seen herds of deer numbering in the hundreds. Native peoples, furthermore, were "apparelled in the skinnes of these beasts." The English captain Christopher Newport was presented with an "infinite store" of deerskins from the Indians and had seen thousands more "puled up in one wardroabe of *Powhaton*." The fledgling colony's defenders concluded that Virginia's deer represented "such a plentie of Cattell as all the Spaniards found not in the whole kingdom of *Mexico*."[15] Deerskins, not gold and silver, could be the fortune of Virginia.

As English colonizers turned toward settlement, writers began to emphasize how deer would figure into every colonist's household economy. Venison showed up in descriptions of everyday meals in Chesapeake households, turning what was a high-status food in England into an American commonplace. Travelers remarked that there was "so great a quantity of deer that one never enters a house where they do not serve venison."[16] Seeking to inflame the culinary desires of less privileged Englishmen at home, John Hammond casually observed that venison was "accounted a tiresome meat" in mid-seventeenth-century Chesapeake settlements.[17] John Morris similarly claimed that deer flesh was not "so much esteem'd" among South Carolina's planters, since they regularly had venison on their menus.[18] English migrants, fed on promotional descriptions such as these, came to the colonies dazzled by visions of deer in every field and venison on every table.

Deer were not only abundant; they were also wild. Unlike those in England, American deer were unowned, a point the naturalist John Lawson emphasized in 1709. Hunting in the province of Carolina, he wrote, was "freely and peremptorily enjoy'd by the meanest Planter, as he that is the highest in Dignity, or wealthiest in the Province." Deer in the colonies were not "immur'd or preserv'd within Boundaries" for the amusement of elites, and a "poor Labourer" had as "good a Claim" as "he that is Master of a greater Purse" to have the "Delicacies" of wild game on his table.[19] In South Carolina, deer were "very plentiful in the Woods," according to John Morris, and men were "not hindered, as [in England], from Killing them."[20] Such assurances

became a promotional trope, one that resonated with migrants accustomed to the "petty tyranny" of the English game laws.[21]

Colonial authorities adopted a legal attitude toward deer and deer hunters that was quite different from what they had left behind. Early Virginia statutes deemed it "convenient" for colonists "to kill deer or other wild beasts or fowl in the common woods, forest, or rivers."[22] Colonial officials, embracing a policy of "free taking" early on, granted English settlers the liberty to hunt deer, but the same guarantees were not always extended to native peoples.[23] To Virginia's embattled colonizers, Indians' deer hunting seemed particularly dangerous to countenance, since the whitetail's behavior necessitated hunters' concealment and stealth. In the first decades of the seventeenth century, amid the Anglo-Powhatan Wars, Virginia's lawmakers prohibited colonists from supplying Indians with guns or ammunition for hunting.[24] A 1618 Virginia Company directive barred Englishmen, "on pain of death to learner & teacher," from instructing Indians "to shoot w[i]th guns" or "to hunt deer or hogs."[25] Statutes enacted in the 1630s and 1640s prevented "divers persons" from "entertain[ing] Indians to kill deer or other game," and thereby furnishing them with arms.[26] Virginia's planters, however, often ignored or circumvented official restrictions and employed Native Americans to supply them with venison and deerskins. In the later decades of the seventeenth century, maturing colonial settlements loosened controls on hunting, at least for tributary Indians. Virginia granted the "libertie of all waste and unfenced land for hunting for the Indians" in the 1650s and allowed Indians the free use of their own guns and ammunition "without the lett or molestation of any person or persons whatsoever within theire owne limitts."[27] These rights, though, were temporary, valid only so long as the lands were not settled.

By the end of the seventeenth century, Indians and colonists alike enjoyed relatively unrestrained access to wild deer. Free taking, however, took its toll, causing a rapid depletion of whitetails around English plantations and established towns. Virginia's legislators, recognizing the need to limit deer hunting, passed one of the first American laws to preserve the species in 1699.[28] Noting that great numbers of deer had previously been "hunted and destroyed in deep snows when they [were] very poor and big with young," the colony decreed that "the killing of deer at unseasonable times" (from February to July) was prohibited.[29] Authorities lengthened the closed season in 1705 as deer populations near English settlements continued to decline.[30]

The growth of a transatlantic deerskin trade only exacerbated the problem. For southeastern coastal tribes, the colonial trade in deer hides began at the moment of their first English encounters. Far from the best beaver countries, Indians in the Chesapeake and eastern Carolina found nearer-at-hand deer hides to be their most lucrative commodity. The economic and ecological effects of this commercial exchange were already apparent to Henry Spelman in 1609. Virginia's Indians, observed the intrepid Chesapeake interpreter and trader, more often hunted deer solely for their skins, which were "the greatest thinge they desire."[31] As the colonial market expanded over the century, Indian deerskin hunting intensified. On the Carolina frontier at the end of the century, Lawson saw hundreds of Tuscarora Indians setting fires to drive deer. In this way, the Tuscarora secured "their Complement of Deer-Skins and Furs to trade with the English."[32] These kinds of large-scale, communal hunting practices became more common as Indians sought ways to maximize production and compete more effectively for European trade goods.[33] For their parts, colonial authorities attempted to control the trade and use it to promote domestic manufactures. Virginia passed largely ineffectual laws in the mid-seventeenth century banning the export of raw deerskins out of the colonies. The colony's last attempt in 1682 to prevent the export of raw deerskins raised the ire of the commissioner of customs. The Lords of Trade demanded the law's repeal, insisting that the colony's unprocessed hides ought to be destined for England.[34]

In the first decades of the eighteenth century, American deerskins become even more crucial to a British leather industry suffering from declining local supplies. Recurring bouts of cattle disease in Europe beginning in 1710 dried up the flow of cowhides to England.[35] American deerskins, mostly obtained from the southeastern colonies, kept British leather makers in business and turned Indians into transatlantic economic players. The indigenous peoples of South Carolina and Georgia, James Oglethorpe noted in 1733, were "great Hunters," and therefore "serviceable" to colonies, since they brought venison to English plantations and skins to English traders.[36] New Orleans, Charleston, and Augusta became major export centers, taking in thousands of hides from market hunters each year. The local economy of Augusta, Georgia, benefited greatly from "the *Indian* Trade," wrote William Stephens in 1740. The town's merchants owned large boats that carried every year "about nine or ten thousand Weight of Deer-Skins each" to England. About six hundred colonists lived by this business, including English traders, their servants, and various packhorsemen. More than two

thousand packhorses left Augusta each spring laden with "all Kinds of proper *English* Goods; for which the *Indians* pay in Deer-Skins, Beaver, and other Furs." This was, he concluded, "a very advantageous Trade to *England*."[37] Deerskins became the most valuable Carolina export in the first decade of the eighteenth century, and the market grew dramatically in the decades after. Exports from Charleston rose from 49,000 hides in 1704 to over 130,000 by the late 1750s. As the demand for American-produced hides peaked in mid-century, more Euro-Americans took up the trade, competing with Indian market hunters for the remaining whitetails.[38]

Commercial deerskin hunting on this scale threatened to destroy the entire southeastern whitetail population. Some blamed the overhunting on Native Americans. Robert Beverley branded Indians' fire hunting as wasteful, contending that native hunters made "all this slaughter chiefly for the sake of the skins, leaving most of the carcasses to perish in the woods."[39] Before English colonizers arrived on the scene, wrote Mark Catesby, Carolina's Indians had "made no other Use of the Skins of Deer, and other Beasts, than to cloath themselves." Transatlantic markets had changed all that. Native peoples now bartered "the Skins to the *Europeans* for other Cloathing and Utensils they were before unacquainted with," such as "Guns, Powder, and Shot, woollen Cloath, Hatches, Kettles, Porridge-Pots, Knives, Vermillion, Beads, Rum, *&c*." European firearms acquired in exchange enabled Indians "to slaughter far greater Numbers of Deer and other Animals than they did with their primitive Bows and Arrows."[40] William Bartram similarly characterized Indian hunting practices as wasteful and motivated by a desire for English trade goods. "They wage eternal war against the deer and bear," he wrote in his *Travels,* "to procure food and cloathing, and other necessaries and conveniences; which is indeed carried out to an unreasonable and perhaps criminal excess." Dazzled by "foreign superfluities," Indians sacrificed the deer only to satisfy their newly discovered consumerist desires, Bartram concluded.[41]

All the blame for the declining deer populations could not be laid at the feet of Native Americans, however. Colonists, too, were responsible.[42] By the mid-eighteenth century, hunting by both groups had noticeably depleted deer populations in some long-settled areas. Prompted to take aggressive action, Virginia's assembly established an outright ban on deer hunting in 1772, claiming that "the whole breed is likely to be destroyed in the inhabited parts of the colony." Without sufficient numbers of deer, lawmakers insisted, settlers would "not only be deprived of that wholesome and agreeable food but

the trade in the article of skins will be greatly diminished." To prevent this destruction, the colony prohibited all deer hunting for a space of four years.[43] A year later, colonists petitioned the assembly, asking that the act be repealed since it had, in their opinion, served its purpose. Though the petition was rejected in 1774, the inhabitants of Amherst County refused to drop the issue, renewing their complaints in 1775. This time the assembly lifted the ban.[44]

Even as their populations declined around colonial settlements, whitetailed deer remained emblematic of American animal abundance. These were wild beasts both plentiful and benign. To colonists, deer were not strange or unfamiliar beings. English men and women arrived with a preexisting set of cultural values and historical memories that associated deer with exclusive, but contested, privilege. In an environment where deer were unowned and unrestrained, however, every person could enjoy what had been aristocratic prerogatives in Britain. Whitetail hunting also promised profits from deerskins, and while free access caused localized depletions, it seemed there were always deer to be found just over the horizon, on the wilder edges of English possessions. Wildness, in the shape of deer, exerted a powerful pull on English colonists. They only had to be willing to follow it.

As Wild as the Very Deer

On the first day of 1768, the Anglican itinerant minister Charles Woodmason offered a sermon to a "mix'd Multitude of People" assembled at Granny's Quarter Creek in the South Carolina Sandhills backcountry. Here were, he complained, "the lowest Pack of Wretches my Eyes ever saw, or that I have met with in these woods." According to the acerbic Woodmason—who admittedly had little good to say about anyone—this "low Class" of settlers, who made their livings by "hunting and killing Deer," had absorbed the worst traits of their quarry. They refused to sit still during the service, moving "forward and backward the whole time," and Woodmason despaired of ever bringing "this Tribe into any Order." Men and women alike attended sermons scantily clothed, barefooted, bare-legged, and "Quite in a State of Nature." They were, he concluded, "as wild as the very Deer."[45]

The metaphor was intentional and apt. To describe the backcountry residents who lived "Quite in a State of Nature," Woodmason chose not a ferocious beast but an elusive, mobile creature. Like the deer, the wild "Tribe" Woodmason sought to control disrupted the order of his service by their

constant movements and disregard for the boundaries of propriety. Woodmason also chose a familiar animal for his comparisons. The white-tailed deer figured prominently in the colonial environment and in the South Carolina economy especially. And while Woodmason could criticize his peripatetic flock for their disorder, he presumably could not fault the deer, since they were wild by nature.

Woodmason implied that the deer's wildness had infected the southern backcountry. His critique was not far off the mark. The white-tailed deer was an important economic resource for many living on the outer edges of English mid-eighteenth-century colonial expansion, in those regions between older, established settlements to the east and the Appalachians and Indian-held lands to the west. The search for plentiful deer, in many cases, had drawn colonists into the backwoods—not to "settle" as English colonizers expected but to roam in ways that colonial officials viewed with suspicion. For Anglo-American hunters, free access to wild animals, especially whitetails, trumped exclusive rights to land. Ignoring the legal boundaries between owned and unowned, deer hunters followed their prey wherever it happened to roam. Their trespasses dismayed authorities, aggravated landowners, and disrupted English colonizing. The disorder Woodmason observed in his congregation was but a small example of the broader disordering deer hunters brought to the southern backcountry in the eighteenth century.

White-tailed deer and their hunters were cocreators of this disorder. Deer behavior shaped the actions of hunters. Shy and highly excitable, white-tailed deer use concealment and flight as their primary defenses against predators—wolves, bears, and humans. They choose home ranges based on their tactics for escape. Deer remain faithful to those ranges, persisting in familiar environs where they have cognitively mapped out travel paths and obstacles to flight. Wildlife biologists calculate that whitetails spend most of their lives in areas averaging one square mile (640 acres), though annual home ranges can vary widely—from 100 to 7,500 acres—according to climate, sex, season, human disturbances, and the availability of suitable cover and food sources. Deer in southeastern forests, where there is abundant food and cover, tend to have smaller ranges than those living in northern regions, mountainous areas, or grasslands. Deer live out their lives in small social groups, usually family units consisting of a doe and her fawns or bachelor groups of young bucks. Seeking areas with cover during the day and becoming active at dawn and dusk, whitetails occupy the edges between forests and open fields. English settlement produced more of the transitional

environments favored by white-tailed deer, as colonists opened the forest canopy for agriculture. These environmental alterations, along with reductions in wolf and bear populations, may have led white-tail numbers to momentarily increase around colonial settlements and contributed to the images of animal abundance that fueled hunters' actions.[46]

Colonial deer hunters adopted practices to fit whitetail behavior, as well as to serve a developing capitalist-export deerskin economy. Semisolitary, furtive, and mobile within a localized area, the white-tailed deer encouraged hunters to develop similar habits. The deer hunter, like his prey, was liminal. He existed on the margins between wild forests and farmers' fields. Using stealth and guile, he operated, often alone, in the spaces between day and night, with a gun and perhaps a torch in hand. His hunting practices and economy were neither wholly English nor entirely Native American. Deer mobility and proximity to farms encouraged hunters to transgress the lines of private property and, in the process, threaten the agricultural improvements made by other settlers. As a result, colonial authorities came to regard deer hunters as disruptive and lawless. Following deer across imaginary lines that demarcated colonial possession claims, trespassing deer hunters exposed Anglo-American boundaries as legal fictions. By the mid-eighteenth century it had become clear that the policy of free taking that English advertisers held up as a measure of the difference between the Old World and the New carried with it the seeds of social disorder as well.

The liberty to hunt offered to colonists in the seventeenth century allowed hunters to pursue deer "without restraint or penalty" almost anywhere. Not only could hunters kill deer in wastes and commons, they could also follow deer onto private property in many cases without being charged with trespass. Virginia statutes required hunters to secure permission from landowners in order to hunt and established fines for hunting on planted lands without owners' consent. Although this law limited colonists' rights to take game, officials tempered the law's strictures. Only planted lands with clearly marked boundaries were off limits to hunters. Even then, landowners had to warn off intruders at least once or publicly announce that their property was closed to hunting before they could level a charge of trespassing against hunters.[47]

Deer hunters' trespasses became a more serious problem, though, in the eighteenth century. As commercial deerskin hunting intensified in the Southeast, lawmakers worked to restrain deerskin hunters by prohibiting "unlawful shooting and ranging" upon privately held lands.[48] Substantial

property owners, however, retained their liberty to hunt. Virginia's 1705 act "for Settling the Titles and bounds of Lands," allowed the owners of six or more slaves to pursue deer onto their neighbors' properties without penalty.[49] In North Carolina, authorities restricted hunting in 1745 to those who had a "settled habitation" and had planted five thousand corn hills in the previous year. A revision of this English-style qualification statute in 1768 raised the property requirements for hunting to a freehold of at least one hundred acres or the planting of ten thousand corn hills. Violators could be fined or whipped. Legislators insisted that these laws were needed to prevent the "many Disorderly and Dissolute Persons" who had "no Habitation of their Own" from hunting "on the King's Waste and the Lands of other Persons."[50] Colonial authorities thus redefined the liberty to hunt and narrowed it to a privilege possessed by settled landholders.

These eighteenth-century deer-hunting laws linked hunter mobility to social disorder. Southern lawmakers clearly targeted roving market hunters, characterizing them as "idle, loose, and disorderly persons." A South Carolina act for the preservation of deer described illegal hunters as those who made a "constant practice of wandering up and down the province," killing deer merely for the sake of their skins.[51] Georgia legislators called deer hunters "Vagabonds," with "no fixed Settlement on Lands of their Own," who preferred to "wander about from Place to Place."[52] The preface to North Carolina's first restrictive qualification statute identified the "great Numbers of idle and disorderly Persons, who have no settled habitation," as the nuisances the law was meant to control. Nothing in the 1745 statute barred an overseer or even a slave from deer hunting "on his Employers' Lands, or the waste Lands of the King," so long as they stayed within five miles of their residence. Earlier statutes prevented people from hunting on another's land, except for "Neighbors whose lands are very near adjacent." North Carolina limited hunting even further in 1770 by making it illegal for any person to hunt privately in a county where he was not a freeholder.[53] Southern hunting laws in the eighteenth century repeated a common refrain—the concern that deerskin hunters' mobility posed great threats to orderly settlement and private property.

Those threats came in many forms. Even when hunters stayed outside property lines, their hunting methods could cause damage to private possessions. The fires, bullets, dogs, and wolves that were part and parcel of deerskin hunting could breach property owners' enclosures and cause substantial damage. Fire hunting—a term used to describe the practice of setting

fires to concentrate deer and drive them toward hunters, as well as the use of torches at night to illuminate deer and freeze them in place—emerged as a major concern in the southern backcountry by the 1760s.[54] Georgia condemned the "dangerous practice of hunting by fire light" as destructive to cattle and injurious to owners.[55] Legislators in North and South Carolina likewise raised concerns about the damages caused to livestock by deer hunters who mistakenly shot cows, horses, and sometimes people, in the night.[56] Forest fires set by deer hunters often swept across property boundaries and destroyed haystacks and outbuildings. In 1777, North Carolina lawmakers sought to outlaw fire hunting altogether, noting that the "frequent burning of the Woods" was found to be "destructive to Cattle and Hogs, extremely prejudicial to the Soil, and oftentimes of fatal Consequences to Planters and Farmers by destroying their Fences and other Improvements."[57] Driving deer with dogs was also "pernicious and hurtful to stock."[58] Most troubling was the market hunters' practice of leaving skinned deer carcasses in the woods. "Wolves, Bears, and other Vermin," complained authorities, were "fed and raised" by deer hunters' carelessness while settlers' livestock suffered the consequences.[59]

Hunters themselves could be the sources of social unrest. The image of the "disorderly," backwoods deerskin hunter, always operating on the edges of lawfulness, emerged as a key figure in mid-eighteenth-century legal discourse. In 1769, South Carolina's lieutenant governor William Bull expressed his concern that "the wandering indolence of hunting" would "endanger the public peace of our Frontier Settlements."[60] Deer hunters, North Carolina lawmakers claimed, were "assembling in great Numbers and camping in the Woods." They associated "for the Mutual Protection and Defence of each other" against those who tried "to execute any Precept on any of them."[61] Once the hunting season was over, "idle and vagrant" deerskin hunters were likely to "destroy Cattle, carry away Horses, and commit other Enormities."[62] In Georgia, officials accused deer hunters of trafficking in stolen horses and generally being "a Nusance to all Orderly and well disposed inhabitants."[63] Colonial authorities agreed with backcountry settlers who demanded that "Hunters be put under some Restrictions."[64]

Conflicts between southern farmers and hunters became especially acute as the southeastern deerskin trade peaked in the Revolutionary era. Lawmakers attempted to quell rising backcountry tensions by privileging those settlers who devoted their time to farm making rather than to hunting. Carolina Regulators, who usually railed against corrupt government officials,

Water-Hunting for Deer. George Catlin's 1850s depiction of deer hunting by torchlight along the Susquehanna River illustrates one type of "fire-hunting." Photo courtesy of the Beinecke Rare Book and Manuscript Library, Yale University.

found that their interests aligned with colonial leaders on this subject. While the South Carolina Regulators denounced those wandering backwoods hunters who roamed the countryside "without Home or Habitation," Lieutenant Governor Bull castigated the same "back inhabitants who chuse to live rather by the wandering indolence of hunting than the more honest and domestic employment of planting."[65] Georgia's act "for the Punishment of Vagabonds and other Idle and Disorderly persons," singled out nonlandholders for their trespasses. Hunters spent their time "wandering about or Lodging in private Tippling Houses, Barns Outhouses or in the Open Air." Supporting themselves by hunting in the "Back settlements," these vagrants made it a practice "to seat themselves without Authority on Lands of the Crown," legislators claimed. Hunters cleared the land and built small shacks by which they "assumed to themselves a right to said Land." Illegal squatters presumed "to sell the same to the next Comer" when the deer were hunted out, in order to move to "some more distant part." This pattern of

unsettlement worked to the detriment of colonists who would otherwise "become usefull Settlers by Cultivating and Improving the said Lands."[66] In an English colonial vision of legal possession, orderly settlement, and rational domestication of the landscape, there was simply no place for deer or those who made their living by hunting them.

By the time of the Revolution, authorities in Virginia, the Carolinas, and Georgia had concluded that unregulated hunting was incompatible with settlement. Commercial deerskin hunters threatened private property in new ways, and as a consequence, lawmakers broadened definitions of trespass to restrain the movements of hunters operating east of the Appalachians. A South Carolina act set limits on how far hunters could roam, restricting them to a radius of seven miles from their homes.[67] Other deer-hunting laws allowed justices of the peace to apprehend "any Idle, dissolute Persons, of Suspicious Character" found hunting outside of their home counties.[68] But it was the Revolutionary War that provided officials with the ultimate means to tie down the deer hunters who threatened the public order. North Carolina's government sentenced convicted fire hunters to three years' service in the Continental Army; informants were exempt from conscription for a period of twelve months.[69] A similar 1778 South Carolina act compelled fire-hunting "vagrants" to enlist in the state's regiments. Forcibly turned into soldiers, illegal hunters would no longer be "burthensome and injurious to the industrious inhabitants" of the state. Instead, they would be "kept under proper discipline [and] be rendered in some measure serviceable to America."[70] At the very least, states could be sure that deer hunters no longer had an unrestrained right to rove.

Revolutionary-era laws circumscribing hunters' mobility stood in stark contrast to the hunting liberties enjoyed by colonists a century earlier. Laws designed to contain deer hunters' movements weakened hunting rights east of the Appalachians. The increasing legal restrictions, along with dwindling deer populations, shifted the geography of deer and deerskin hunting westward, pushing hunters toward more distant regions and into Native American lands. There, on the wilder western edges of English possession, beyond the reach of eastern hunting and trespass laws, were extensive territories where wild deer still roamed.[71] These were the places identified as "hunting grounds" by authorities seeking to bring order to colonial land use in the late eighteenth century. As deerskin hunters drifted into trans-Appalachian hunting grounds, they provoked critical questions about the

possession of those new lands and the wild deer they contained, questions that would frame American colonizing in the West.

Their Great Natural Park

Late in December 1769, Daniel Boone and his brother-in-law John Stewart were surprised by a band of Shawnee Indians returning from their Green River hunting grounds to their homes at Chillicothe. Boone and five other North Carolina "long hunters" had crossed into Kentucky in early summer to accumulate pelts, especially deerskins, to sell in the southeastern commercial hide market. The Indians, however, resented the intrusion on lands the Shawnee claimed as their own. Considering the deer hunters to be trespassers, Will Emery, the leader of the Shawnee band, confiscated the pair's guns, plundered their cache of pelts, and warned them never to return. This place was, he declared, "the Indians' hunting ground, and all the animals, skins, and furs are ours." If Boone, Stewart, and other white poachers were "so foolish as to venture here again," Emery promised, they could "be sure the wasps and yellow-jackets will sting you severely."[72]

The Shawnee and the North Carolina hunters confronted each other on contested grounds in Kentucky. These were lands on which neither group lived, yet both claimed a right to the deer there. To Native Americans like Emery, Kentucky was "the Indians' hunting ground," but to frontiersmen, it was "a great natural park," a wilderness brimming with an "abundance of wild beasts of all sorts."[73] Here, yeoman hunters could reap the benefits of American animal wealth, a wealth that was fast disappearing east of the Appalachians, due to intensive market hunting and proliferating legal restrictions. In the West there was a profusion of wild creatures free for the taking.[74] Kentucky's "howling wilderness," according to one of Boone's early biographers, seemed to be "a second paradise." The animals the frontiersman saw were "fearless, because ignorant, of the violence of man," and the many salt licks that were "found in every part of the western country" attracted "amazing herds" of deer and buffalo. In this wild wonderland, Boone's party "practised hunting with great success," diverted only by the "innumerable animals presenting themselves perpetually to [the hunters'] view." Even Boone's tense encounter with the Shawnee could not dissuade him from returning home to bring his family "as soon as possible to live in Kentucky."[75]

The wild paradise Boone found in 1769 was not simply an ecological phenomenon. Human and environmental factors conspired to make Kentucky

an almost unparalleled hunting ground in the mid-eighteenth century. Located on the western edge of the Iroquois empire, Kentucky and the Ohio River Valley had been sites of violent indigenous confrontations in the seventeenth century. The so-called Beaver Wars had driven the Shawnee to the periphery and emptied the region of its human inhabitants. Deer and other wild creatures were the beneficiaries of a conflict that, for a time, reduced hunting pressure and left wild animals in possession of the land. After the Great Peace of Montreal ended the Beaver Wars in 1701, the Shawnee, along with the Delaware, Mingo, and other Indian groups, began to return to the Ohio Valley, establishing multiethnic villages on the north side of the river and traveling periodically into Kentucky to hunt. From the south came the Cherokee, Yuchi, and Chickasaw Indians for the same purpose.[76] Little wonder that, to Euro-American observers, Kentucky seemed to be "regarded as a common hunting-ground by various tribes, east, west, north, and south."[77]

A permanent home to wild creatures but seemingly not to humans, Kentucky could easily be seen as a "great natural park."[78] Open lands, extensive forests, and numerous large mammals, including herds of exotic buffalo and commercially valuable white-tailed deer, conspired to make it seem a sort of wild preserve. Coupled with this animal abundance was the fact that English and Iroquoian colonizing projects had rendered Native American possession ambiguous. No one group appeared to exercise an absolute legal or customary claim to either the use rights or the land itself.[79] In the years leading up to the Revolution, deerskin hunters like Boone began to imagine the animal-rich western landscape as a colonial hunting commons. Denying Shawnee and other Indians any exclusive rights to the land, migrating yeoman hunters claimed collective rights to Kentucky's deer. This frontier formulation of a colonial commons was more than just a repudiation of Indian possession claims. It also tacitly supported a version of American colonizing that diverged from seventeenth-century English forms.[80] The promise of a hunting commons, as much as landownership, lured colonists across the Appalachians in the late eighteenth and early nineteenth centuries. Drawn to Kentucky by the commercial deerskin trade, yeoman hunters like Boone adopted extensive patterns of settlement, mixing small-scale agricultural production and free-range animal husbandry with hunting, especially deer hunting, for subsistence and cash.[81] Such men valued wild creatures, particularly the deer that sustained their frontier independence, over the kinds of improvement that legitimated English ownership. Mobil-

ity and wildness, rather than fixity and domestication, characterized Kentucky's hunting commons, as pioneers retreated with the whitetails to live "farther and farther back . . . for the sake of hunting, and what they call range for their cattle."[82] Thus, colonizing in Kentucky developed as a combined product of the backwoods culture of the yeoman hunter and the backwoods behavior of the white-tailed deer.

Before yeoman hunters could invent their colonial hunting commons, Anglo-American colonizers had to resolve the competing Native American claims to Kentucky's hunting grounds. Well into the eighteenth century, the Iroquois asserted their exclusive control over Kentucky by virtue of their victories against the Shawnee in the Beaver Wars. Virginians claimed the Iroquois had transferred Kentucky to them in the Treaty of Lancaster in 1744, although the Iroquois disagreed with English interpretations of the agreement. Later, in an attempt to relieve pressure on their own settlements, the Iroquois relinquished their rights to the Kentucky lands on which they neither lived nor hunted in the Treaty of Fort Stanwix (1768). The Cherokees likewise ceded their claims to Kentucky hunting grounds that same year in the Treaty of Hard Labor. For the Shawnees and other Indians who actually hunted in Kentucky, though, the treaty cessions carried little weight. They had long since stopped considering themselves as tributaries to their more numerous and powerful neighbors. From the Shawnee perspective, Anglo-Iroquois or Anglo-Cherokee agreements did not bind them.[83]

In the Revolutionary era, British authorities found they could not ignore these conflicting claims to trans-Appalachian lands if they wanted to bring order to the West. Hoping to calm frontier tensions, British officials decided in the 1760s that tribes could assert a legal claim to the trans-Appalachian lands they hunted. The Crown drew "clear & fixed boundaries" to separate English settlements from Indian hunting grounds as a "mutual Protection" of each group's "respective possessions."[84] Although this 1763 Proclamation Line turned out to be mostly symbolic, British efforts to curb Americans' trespasses nevertheless forced expansionistic land companies, speculators, and settlers to address the issue of Indian ownership.[85] Benjamin Franklin laid out one such case in 1772. After the British Board of Trade rejected the Grand Ohio Company's request for a large tract south of the Ohio River, over which the Shawnee, Delaware, Cherokee, and American settlers variously asserted control, Franklin offered a detailed historical explanation for invalidating Indian claims. The Shawnee lost their rights when "they were conquered by the Six Nations." The Cherokees had no claims to "the lands

from the Great Kenhawa River to the Cherokee [Tennessee] River," concluded Franklin, himself a shareholder in the Grand Ohio Company, since they "never were either the dwelling or hunting grounds of the Cherokees."[86] Richard Henderson's Transylvania Company similarly defended its purchases of Indian hunting grounds between the Kentucky and Cumberland rivers under the 1775 Treaty of Sycamore Shoals. The elder Cherokees reluctantly deeded the tract to Henderson's company but warned him of the consequences of that sale. "Children who were then growing up might have reason to complain," tribal leaders predicted, if they sold the land that "was of Great Service to them as hunting Ground."[87]

Colonial authorities tried to assuage Indians' concerns, assuring them that their rights to hunt would be unimpeded by encroaching white settlement. Capt. Thomas Bullitt informed the Shawnee and Delaware Indians at Chillicothe that, although the land "the King has bought of the Northern and Southern Indians" was intended for English settlement, he foresaw no conflicts with Indians' continued use rights. Since the king "did not buy the country for any other purpose than his people to live on and work to supply his county," there would be "no objections to your hunting and trapping on it." Though dubious, the Shawnee chief Cornstalk nevertheless signaled his approval of Bullitt's assurances. It was important to the Shawnee that they would not be "disturbed in our hunting for what we stand in need of to buy our clothing." Bullitt's interpreter, Richard Butler, was also hesitantly confident after the discussions. Although the Shawnee claimed "an absolute right to all that country that you are about to settle," Butler wrote to frontier farmers along the Ohio, they would remain friendly so long as colonists would "endeavor to restrain the hunters from destroying the game." Since English interests were "not to hunt the land but to cultivate that you are about to settle," Butler concluded it would be "an easy matter to restrain those that would hunt and cause your infant settlement to be disturbed."[88]

But restraint did not appear to be an American trait. An entirely different kind of colonist populated the southern Appalachians on the eve of the Revolution, one who behaved in ways not in keeping with English settlement. Political authority was "insufficient to restrain the American," explained Virginia's colonial governor, Lord Dunmore, in 1774. Anglo-Virginians, he reported, "acquire no attachment to Place: But wandering seems engrafted in their nature." Proclamations devised to hold colonists east of the Appalachians had proved ineffectual, for backwoodsmen did "not conceive that Government has any right to forbid their taking possession of a Vast tract of

Country." This was not English colonizing, with its parceling out of individual holdings to be held and improved. Westward-looking Virginians and North Carolinians seemed to be abandoning that orderly process. The cause for that abandonment was cultural and environmental, according to the governor. Those on the frontier had been "impressed from their earliest infancy with Sentiments and habits, very different from those acquired by persons of a Similar condition in England."[89] Driven by impulses at odds with an English colonial order, the hunter-frontiersmen fighting in Dunmore's war against the Shawnee had "little or nothing to Keep them Excepting hunting and Killing of the Dear."[90] What they envisioned for Kentucky was something other than fixed farms and a domesticated landscape. So although Dunmore's War ended in October 1774 with an apparent Shawnee capitulation, questions about how Kentucky was going to be possessed were not entirely resolved.[91]

Out of the Revolutionary-era military, political, and legal wrangling over the possession of Kentucky emerged a particular understanding of hunting grounds as a colonial hunting commons. American colonizers denied Indians' exclusive rights to the land by advancing three key arguments to dismiss native claims. First, Indians had no permanent residences in Kentucky, nor did they use the territory consistently. Second, overlapping claims from the Cherokee, Iroquois, Shawnee, and Delaware tribes proved that no one group exercised complete dominion and control over the land. Finally, the colonial government had terminated any remaining use rights by purchase and conquest. Armed with this legal logic, Boone and other deerskin hunters believed that their intrusions into Kentucky could not be considered trespasses, despite continuing Indian protestations and resistance. The Proclamation Line was effectively erased.

Cleared of Indians' legal claims, Kentucky's hunting grounds were opened to American colonists in the Revolutionary era. Crossing the mountains on horseback, these earliest Kentucky pioneers "could carry little more than their clothing, beds, and cooking utensils."[92] Nevertheless, "as deer, bear, and turkies were plenty," they were "supplied with meat by hunting."[93] When Indian attacks curtailed agricultural production during Boonesborough's early years, residents subsisted mainly on deer and buffalo supplied by hunters such as Joshua McQueen, who arrived in Kentucky in 1779.[94] Mrs. John Morrison, looking back on her frontier childhood, recalled that her family subsisted on a monotonous diet of "buffaloe and venison for bread, and bear for meat" after Indians destroyed their household's crops and

livestock.[95] Access to Kentucky's hunting grounds enabled settlers to feed themselves when they moved into remote areas, provided them with emergency sustenance, and relieved them of some of the work of farm making.[96] Once established, Kentucky's colonists acquired what they needed to survive through a combination of diverse productive ecological relations, which included farming, free-range livestock husbandry, and hunting in the colonial commons.[97] Wild deer in the woods and canebrakes provided not only food for settlers but also commodities that were as good as cash. A good hunter could kill "a great many deer and bears" in Kentucky, according to Spencer Records's account, and pack the skins across the Appalachians to sell.[98] Local merchants also took furs and skins in payment for goods.[99] Not surprisingly, many of Kentucky's frontiersmen, like Boone, esteemed hunting as "of the first importance while farming was only a secondary consideration."[100]

While Kentucky's hunting grounds encouraged colonial migration, the ready availability of white-tailed deer and other wild animals threatened, at the same time, to impede the colonizing process. Anglo-American legal systems assumed people and animals would be fixed in place on the land. In reality, Kentucky's frontier was characterized by mobility, both animal and human. White-tailed deer, the most versatile and valuable faunal members of the southern Appalachian environment, were the premiere instigators of that mobility. Though deerskin hunters and pioneers advanced the colonizers' cause by expropriating Indian hunting rights and by claiming Indian hunting grounds in Kentucky as their own, their actions also undermined rational patterns of colonizing as frontiersmen concentrated their efforts on hunting wild deer over farming, improving, and settling.

Competing notions of common rights in the woods and private exclusive rights in property collided on the frontier. That collision precipitated a sharp critique of Kentucky's hunting culture and the wild creatures that sustained it.[101] Many saw deer hunting as a diversion from the kind of proper farm making that had been central to English colonizing. Hunting was, Gilbert Imlay asserted, "more a sacrifice of time to an industrious man than any real advantage."[102] According to Thomas Nuttall, Kentucky's inhabitants were "living on exigencies" in the early nineteenth century. Settlers possessed little besides their land, he claimed, and spent any savings they might have had on their frequent migrations.[103] Critics argued that the problems with the frontier resided in the character of its inhabitants. A "large class of hunters & frontier settlers," wrote John D. Shane in the nineteenth century,

"train[ed] their children in ignorance & in the idleness and poverty of the hunter's life." They appeared "wild and half savage." The hunter and the free-ranger were "fools & destitute of the sweeter joys & more refined benefits of the civilized state," Shane declared.[104] American yeoman hunters may not have faced the actual extirpation the Indians did, but their social existence was just as expendable to nineteenth-century modernizers. Refusing to live within the boundaries of Anglo-American laws of possession, deer hunters needed to be swept away so that "stronger enterprise" could turn Kentucky's common hunting grounds into farmers' private property.[105]

What looked like disorder and lawlessness to critics and authorities was, in fact, a form of American colonizing derived from colonial encounters with deer. The whitetails drew colonists across the Appalachians and turned them from settlers into pioneers, an armed and mobile force spearheading Indian dispossession.[106] As deer hunters, colonists adapted to their prey, adopting roving behaviors that pulled them to the margins of English society. But mobility and a hunting commons ultimately did not comport with Anglo-American legal definitions of possession. As the nationalizing processes of economic development and political consolidation tipped the balance in Kentucky toward possessive individualism and private property in the early nineteenth century, authorities undercut the common environmental rights that had brought the deerskin-turned-yeomen hunters to Kentucky in the first place. The collective hunting commons gave way to exclusive, private property. Once colonized, neither the white-tailed deer nor the colonial hunting commons could persist. For a time, however, the deer and their hunters unsettled the Kentucky frontier with their edginess.

They Steal Our Deer and Land

In 1769, the same year the Shawnee accosted Daniel Boone and John Stewart in Kentucky, Cherokee leaders at the Overhill village of Toquah confronted a different John Stuart—this one, the British superintendent of Indian affairs for the southern district. They came with a similar complaint about American trespassers and poachers who violated Cherokee boundaries. After a cursory survey of their territories in eastern Tennessee, the Cherokees were certain that colonists had "settled the Land a great way on this side of the [Proclamation] Line" and were "in bodies in the middle of our Hunting Grounds." They demanded that Stuart "order his People to remove within the line" and prohibit them from hunting on the Cherokees' Tennessee River lands. The chiefs angrily observed that, while colonial officials told

Cherokee warriors not to "steal any Thing belonging to the white People," the Americans would "not listen to any Body," and instead did "as they please[d]." They "steal our Deer and Land," the Indians' statement continued, "which if not soon alter'd will be of bad consequence," for the young men were "very angry to see their Hunting Grounds taken from them."[107]

The Cherokee protests, like those of the Shawnee, revealed their mounting frustrations over the inability, or unwillingness, of colonial authorities to restrain white encroachment on lands the Indians identified as their hunting grounds. Tribes asserted their possession of these territories and the wild creatures they contained, especially the economically valuable white-tailed deer. Colonizers, however, found such claims difficult to assess since they did not fit preexisting legal categories of Anglo-American ownership. Consequently, conflicts over deer-hunting grounds in the southern Appalachians provoked critical questions about the dispossession of native peoples and about the place of wild animals in the colonizing project. Kentucky provided one set of answers to those questions. Farther south, in the mountainous backcountry of the Carolinas, Georgia, and Tennessee—the heart of the southeastern deerskin trade—those questions would be answered quite differently. In these places, some native peoples, most notably the Cherokee, were able to turn their hunting grounds into property and the white-tailed deer into a legal ally. But these were temporary victories that would only last as long as the deer. In the end, it was no coincidence that Indian removal in the southern Appalachians followed the demise of the deerskin trade.

In the earliest years of English colonizing, it seemed unlikely that legal authorities would ever see wild deer as legitimizing native possession claims. Instead, many colonizers interpreted Indians' deer hunting as proof that indigenous peoples did not own the land. Indians hunted for their "general employment." They did not engage in the landscape-altering and improving activities that conferred ownership in English terms.[108] Seventeenth- and early eighteenth-century promoters observed that Native Americans routinely "change[d] their habitation from place to place" in order to pursue wild creatures. Such a nomadic lifestyle proved that Indians were "not able to make use of the one fourth part of the Land," leaving a vast, vacant terrain for English colonists to fence, farm, and possess.[109] The whole of America was, according to Robert Johnson in 1609, "inhabited with wild and savage people that live and lie up and down in troupes like heards of Deare in a Forrest."[110] Robert Montgomery justified the appropriation of Georgia land

in 1717 by insisting that Indians merely hunted, fished, and foraged and therefore had no rights to the wilderness. This "tempting Country" was uninhabited "unless by here and there a Tribe of wandering *Indians,* wild and ignorant, all artless, and uncultivated, as the Soil, which fosters them."[111] English colonizers presumed that lands on which Indians only hunted were legitimately up for grabs.

In the early eighteenth century, colonists were grabbing. Writing of western Carolina in 1709, John Lawson complained that the "Savages do, indeed, still possess the Flower of *Carolina,*" while the English enjoyed "only the Fag-end of that Fine Country." Native peoples feared that colonists, coveting those lands, "would settle at or near these Mountains and bereave [them] of the best Hunting-Quarters."[112] Their fears proved to be well founded. Indian territories east of the Appalachians were already under siege by English colonizers. Speculators petitioned colonial governing bodies for patents on Indian lands, such as the one Nicholas Crisp sought for six hundred Tuscarora acres in North Carolina. Though the land was "reserved for hunting Quarters" by the Governor's Council in 1714, Crisp argued the measure would "very much prejudice ye setleing that river w[hi]ch is Capable of Seating Some hundreds of familyes."[113] In 1715, the Poteskeet Indians also petitioned North Carolina's government, protesting English interference with their "liberty of hunting on those their usuall grounds" along the coast.[114] Over the century, colonizing pressures spread westward into the mountainous backcountry where Indians hunted throughout extensive territories.

As in Kentucky, the eighteenth-century intrusions of Anglo-American squatters, hunters, and traders into lands claimed by tribes as their hunting quarters provoked resistance and violence. Uprisings, including the Tuscarora War (1711–15), the Yamasee War (1715–17), and the Anglo-Cherokee War (1751–68), convinced colonial authorities that English violations of Indians' hunting territories and the destruction of their deerskin economies would ultimately lead to a disastrous "general Indian war."[115] To prevent that eventuality, lawmakers in the Carolinas and Georgia came to a new understanding of hunting grounds in the last half of the eighteenth century. Unlike the colonial hunting commons that developed in Revolutionary-era Kentucky, Indian hunting grounds farther south were set apart as a kind of exclusive property. Late eighteenth- and early nineteenth-century statutes and treaties gave certain southeastern tribes tenuous possession claims to large tracts on the southern Appalachian frontier. Indian hunting grounds took on a legal reality as Anglo-American authorities established and enforced

"boundary lines of property for separating and dividing the settlements of the citizens from the Indian villages and hunting grounds."[116] Lawmakers barred white trespassers from tribal lands and ordered squatters to be removed. For a time, the Cherokee and other Indians in the southern Appalachians found their lands contained and even protected within the colonizers' rationalized legal order.

Although this new definition of Indian hunting grounds, codified in statutes and treaties, had some of the characteristics of exclusive ownership, it constituted an unusual kind of possession right. It was a claim attached not to the soil but to the deer and other animals, that made a place a hunting ground. Deer behavior determined the size and shape of Indian land claims, as well as their duration. So long as deer occupied the land, Indians could assert their sovereignty over it and keep colonizers at bay. This connection between deer and property rights would prove to be pivotal in debates over Indian removal in the 1830s. Opponents of Andrew Jackson's Indian bill would assert that US-Indian policy and law had already established "the fact that Indians are proprietors of the lands and hunting-grounds they claim."[117] Their proprietorship, however, was never on solid footing, since its legitimacy rested on the flighty whitetails.

Tribal claims to hunting grounds in the southern Appalachians carried greater legal weight in the eighteenth century, due to the particular political context in which they were made. In contrast to the Shawnee—considered by Anglo-American officials to be the Five Nations' conquered subjects—the Cherokee, Creek, and Chickasaw Indians had the advantage of directly negotiating with colonial authorities over their land claims. Additionally, as a result of a history of intertribal conflicts, these groups had already created boundaries that divided southern Appalachian forests into distinct hunting quarters. Over these defined hunting territories, tribes exerted more exclusive control than did the Shawnee in Kentucky's disputed grounds. Finally, unlike the Shawnee who used Kentucky as a distant, seasonal hunting territory, the Cherokee and other southeastern tribes claimed lands on which they both lived and hunted. In this context, colonial officials used the term *hunting grounds* not just to designate lands that contained wild game. Instead, the various southern Appalachian hunting grounds functioned as indigenous forms of national territorial claims.[118]

These hunting territories lay between and beyond the interconnected Indian towns and competing colonial trading entrepôts, such as Charleston, South Carolina, and Augusta, Georgia, that made up the southern

deerskin-trading network.[119] Cherokee, Creek, and Chickasaw Indians among others, played key economic roles in the colonial market for deerskins. Most of the deerskins brought to Charleston—over 120,000 were exported annually in the early 1700s and more than 250,000 in the 1730s—were produced by Cherokee hunters. In the 1730s, English trading centers in Augusta and Savannah emerged to challenge the preeminence of Charleston's merchant community and to tap the flow of skins coming from Indian country. Licensed traders located themselves in Cherokee, Creek, Chickasaw, and Choctaw territories to exchange guns, clothing, iron tools, and rum for deer hides and, in the process, racked up as much as a 600 percent profit on the goods they traded. English colonizers, much like their earlier beaver-trading counterparts, thus had a vested economic interest in maintaining Indians' deerskin economies and their deer-hunting grounds.[120]

Even as the deerskin trade waned in the second half of the eighteenth century, colonial authorities endeavored to protect Indian hunting grounds from English disturbances. The 1763 Proclamation Line represented one attempt, though the border was never much of barrier.[121] In subsequent years, lawmakers issued increasingly strident decrees against trespassing. A 1764 Georgia statute prescribed prison time, fines, hard labor, and whippings for those "Vagabonds and other Idle and Disorderly persons" who "frequently Trespass on the Lands and Hunting Grounds of the Indians." The colony also outlawed unlicensed trading with Indians "in the Woods."[122] South Carolina's colonial government pursued measures to "restrain His Majesty's Subjects from killing Beaver and deer on Indian Hunting Grounds" in the late 1760s and early 1770s.[123] "The Hunters or Settlers," insisted Col. William Preston in 1774, could "have no excuse or Plead Ignorance" of the clear boundaries separating Virginia from Cherokee lands. Colonists, therefore, had no justifiable reason for "Infringing on the Indians Claim."[124] The borders were there, they only needed to be enforced.

Some of those efforts were carried out by the Southern District's Indian superintendent, John Stuart, who pressed for more regulation of the backcountry deerskin trade and greater protections for Indian lands. In early 1769, Stuart reviewed the "Boundary Line" that he helped to chart "Between the Frontiers of the Province of North Carolina and the Cherokee Hunting Grounds." The line was drawn in the aftermath of the Anglo-Cherokee War in 1767 and was part of the larger British policy to create one continuous border "to avoid all further disputes" with the Indians. Two years after Stuart surveyed the boundary, he was back to see its effects. Riding along part of

the periphery in western Carolina, Stuart found the border well marked by a fifty-foot-wide margin of blazed trees. Nevertheless, he found the lands near the line to be "very full of Inhabitants" in regions "considered by the Indians as their best hunting Ground." These intruders, Stuart protested, "pay little or no regard to Law or Government" and were detested by the Indians. Such disregard for Native American property rights, Stuart warned, would sooner or later embroil the frontier in conflict and violence.[125]

Stuart was committed to colonizing policies that would bring stability to the frontier, and the protection of Indians' exclusive rights to their hunting grounds was vital to preserving peaceful relations.[126] For that reason, Stuart protested a proposed extension of Virginia's boundary with North Carolina which would "cut off from the Cherokees and Chickasaws their only valuable Hunting Grounds." The Indians required access to extensive territories, the superintendent explained, since they always hunted "one or two hundred miles from their villages for an obvious reason: the scarcity of deer near the dwellings of a nation of Hunters." In Stuart's estimation it would be an "insurmountable obstacle" if Cherokee and Chickasaw hunting grounds were handed to "adventurers from your Colony, who are likewise hunters and in other respects disagreeable to the Indians." Encroachments "on the lands of any Nation" would quickly become "a common cause" for the Indians, uniting them in general war against English colonizers.[127]

Proliferating Cherokee, Creek, and Chickasaw protests showed how little American colonists cared for royal proclamations and legal limits. Native representatives from North Carolina traveled to England to lay out their "particular differences with Europeans settling on their lands."[128] Others complained to Indian agents. Stuart heard many of those grievances and relayed frontier frustrations to colonial leaders. The Creek towns, Stuart reported to South Carolina's Lieutenant Governor Bull, "swarmed with Lawless Vagabonds who are Subject to no Sort of Rule or Jurisdiction."[129] It was no different in North Carolina, where Gov. William Tryon condemned the "many hunters on the western frontiers of this province," who made "frequent incursions into the Cherokee Hunting Grounds and destroy[ed] their game." Vague boundaries between North Carolina and Cherokee lands were cause, in the governor's view, for most of the frontier disorders. In a 1769 letter to Stuart, Tryon explained that without a clear partitioning of the lands, "the inhabitants in those parts must continue in a great measure, in a state of disobedience to all government."[130] Until there were legal and enforceable lines of property, colonial settlers and hunters would treat Indian hunting grounds as an open range.

As British political authority faltered in the colonies, the Cherokees took matters into their own hands. In 1774, agent Alexander Cameron notified the governors of Virginia, North Carolina, and South Carolina that the Cherokee Indians were "determined to take all the Deer skins etc. which [were] killed within their Bounds," as well as "the Guns and Horses which they find in Possession of the trespassers."[131] Henry Stuart, who served as his brother's deputy superintendent, encouraged Cherokee resistance to the increasingly rebellious colonists in 1776. A number of young Cherokee men had traveled to the "Northern Nations" seeking allies. On their return, they passed through the Kentucky territories that had recently been "the Shawnees and Delawares hunting grounds (where they used to see nothing but Deer Bear and Buffaloe)." They were shocked to find "the Country thickly inhabited and the people all in arms."[132] What the Cherokee saw in Kentucky boded ill for the future of their hunting grounds. Alarmed by American expansionism, Cherokee and Shawnee warriors began raids into Kentucky in that summer of 1776, while warriors from the Overhill towns attacked frontier settlements in North and South Carolina. Indians who allied with the British in the southern backcountry during the Revolution were motivated in no small part by the decades of violations of their hunting grounds. For many Indians in the southern Appalachians, especially the younger generations, the Revolutionary War was a fight to preserve their rights to the deer as well as the land.[133]

During and after the Revolution, southern lawmakers tried to quiet native people's suspicions about American intentions by reaffirming indigenous claims to hunting grounds. North Carolina's Declaration of Rights reserved the liberties of "any Nation or Nations of Indians" to enjoy "such Hunting Grounds as may have been, or hereafter shall be secured to them by any former or future Legislature of this state." Lawmakers decreed that "no persons shall presume to enter or survey any Lands within the Indian Hunting Grounds." American claims to land in Indian hunting grounds were "declared to be utterly void."[134] Authorities also prohibited trespasses upon Indian hunting grounds in order to stop the "divers Avarocious and ill-disposed persons" from exciting the Cherokee's "Jealousies and Suspicions." Frontier abuses and transgressions, left unchecked, would eventually "involve this and other of the United States in a bloody and expensive Indian War."[135] In Georgia, a 1786 statute outlawed the purchase of tracts "within the limits of the Indian hunting grounds in this State" and forbade unlicensed traders from "bartering with [Indians] in the woods, or hunting their grounds, or in any other wise trespassing on the same."[136]

Indian possession claims were further reinforced at the national level by a series of treaties concluded in the last decades of the eighteenth century. The Treaties of Hopewell, signed in 1785 and 1786, stipulated the boundaries between Cherokee, Chickasaw, and Choctaw hunting grounds and the citizens of the United States. The Treaty of Holston (1791) and the first Treaty of Tellico (1798) went further to ensure that the borders were "actually ascertained and marked." The boundary between the United States and the Creek Nation was to be "rendered distinct and well known," according to the 1790 Treaty of New York, with a "line of felled trees at least twenty feet wide."[137] Treaty provisions also mandated that "neither white persons nor Indians" would be allowed to cross the established borders "without a special license for that purpose."[138] No longer were Indian hunting grounds vaguely marked by hills and trees. They were now defined by the same kinds of boundaries that protected private property. Surveyors' lines identified the limits of Indian lands and enclosed their hunting grounds.

American officials did more than just describe the boundaries of Indian hunting grounds in the southern Appalachians. They also tried to enforce them, as had British authorities before the Revolution. The task proved daunting, however, given the colonizing promises Americans had imbibed. Free land and free animals to support frontier settlement and encourage individual proprietorship had become American birthrights by the end of the eighteenth century. Exclusive, race-based claims to the land and its creatures were out of step with American colonizing impulses. Squatters paid little attention to the legal borders of Indian lands. In 1787, North Carolina's governor, Richard Caswell, asked sheriffs in the transmontane counties to force "people to remove off the Lands reserved for the Indian Hunting Grounds."[139] Indian agents, such as Hugh Montgomery, attempted to expel the intruders, but backcountry inhabitants found ways of evading the law. After a survey of the Georgia frontiers in 1817, Montgomery reported that a number of families had "settled over the appalatchee" and refused to return. These people would "get Some [strolling] Vagabond Indian to live or Stay with them, they Call themselves his [Croppers], he is to hunt & they Cultivate the Ground, they find him a Gun & amunition they have the meat & he the Skins, but it often turns out that he has two Haggskins for one Dearskin, & this accounts for the Frontier people loosing [as] many of their Haggs as they do."[140] Even though frontier settlers tried to hide behind the feeble hunting activities of their Cherokee "landlords," Montgomery knew they were violating Indian possession claims. Therefore, according to the law,

they were trespassers. Despite appearances, the one extended forest of the southern Appalachians was not a vacant wilderness or an open range; it was instead a rational form of property, an Anglo-Indian invention that turned Indians' customary use rights in the woods into an eighteenth-century legal ownership claim.

For his part, Indian agent Montgomery recognized the shaky legal ground on which the Cherokee possession claims rested, and he wrote about it to Georgia's governor, William Rabun: "I Should like to know how far the Individual Indians have a Right to Rent or Lease Lands, my own impressions are that Indians have not a principle tittle [*sic*] to any Lands, that theirs is a mere occupant claim, that they are tenants at the will of the Government, the Treaty Reserves the Lands to them for their Hunting grounds."[141] Montgomery's message raised an important question: What kind of possession claim was a hunting ground?

The Supreme Court provided Montgomery with the definitive legal answer in 1823. The case of *Johnson v. McIntosh*—a dispute over the validity of speculators' purchases of some forty-three thousand square miles in southern Illinois and Indiana from the Piankeshaw Indians in 1773 and 1775—tackled the broader issue of Indian property rights. In his opinion, Chief Justice John Marshall advanced the "doctrine of discovery" as the "original fundamental principal" that vested the federal government with absolute title to indigenous lands. Going beyond the narrow legal issue at hand in the case, Marshall drew a seemingly unbroken line of historical precedents, back to the charters issued to John Cabot and Humphrey Gilbert, to show that the Crown assumed exclusive ownership of American lands, by virtue of England's "discoveries." The Revolution transferred that clear title to the United States as a fait accompli. Though Native Americans "were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it," Marshall maintained that European discovery necessarily impaired Indian sovereignty. What remained to the Indians was merely a right of occupancy—a right the United States government could extinguish at any time by purchase or conquest.[142]

During the controversy over the 1830 Indian Removal Act, Marshall drew back from the discovery doctrine articulated in *Johnson v. McIntosh*. His opinion in *Worcester v. Georgia* (1832) attempted to curtail the attacks on tribal sovereignty legitimized by his court's earlier decision. Discovery, he insisted, conferred but a limited right—the exclusion of other European powers. Though the federal government retained the exclusive right of

preemption, that right did not permit intrusion into Indian nations' internal affairs; nor did it allow Indians to be forced off their lands. The Cherokee Nation and all the tribes with which the government had negotiated treaties were "distinct, independent political communities, retaining their original natural rights as the undisputed possessors of the soil from time immemorial." Treaties defined and the federal government secured the territorial boundaries "within which [Native Americans'] authority is exclusive," the chief justice averred.[143]

Buried in Marshall's discussion of political sovereignty, natural rights, foreign potentates, and territorial boundaries was an oblique nod toward the animals that complicated the rational picture he tried to paint. The *Worcester* case compelled Marshall to explain away the words "hunting grounds" as irrelevant to the legal question of possession: "So with respect to the words 'hunting grounds.' Hunting was at that time the principal occupation of the Indians, and their land was more used for that purpose than for any other. It could not, however, be supposed that any intention existed of restricting the full use of the lands they reserved. To the United States, it could be a matter of no concern whether their whole territory was devoted to hunting grounds or whether an occasional village and an occasional corn field, interrupted, and gave some variety to the scene."[144] Opponents of removal agreed. William Wirt, attorney for the Cherokee Nation, argued that it was absurd for proponents of the Indian Removal Act to suggest that the Cherokees' "only right to these grounds is for the purpose of hunting on them." Besides, characterizing the Cherokee people as a nomadic and primitive "race of hunters" was obviously anachronistic.[145] As one Choctaw correspondent complained in a letter reprinted in the *Cherokee Phoenix,* "And to say [a] greater part of our people hunt—this is not the case. I will admit some of them still hunt. But at the same time they have plenty at home for their provision. And as to depending on hunting entirely for subsistence—this is not the case."[146]

Despite the protestations, the discovery doctrine and the linked images of nomadic Indians and transitory hunting grounds persisted. Justice William Johnson, considering the legal question in *Cherokee Nation v. Georgia* (1831), concluded that the Cherokees had no permanent claim to their hunting grounds, since the rights extended to them were the temporary rights of hunters. That claim would be extinguished "when the game ceased," because "the hunter would go elsewhere to seek it."[147] The Indians had been forewarned of this outcome. "The great and good Washington," an 1818 *Niles*

Weekly Register letter read, had told the Cherokee that "when you cannot meet a deer to kill" they would be bereft of their hunting grounds.[148] American presidents from Jefferson to Jackson repeated the admonition, predicting that once the deer and buffalo were driven westward, Indians' hunting grounds would be no more.[149] For a time, the white-tailed deer was the Indians' ally against American expansion. In the era of Indian removal, though, allegiances were not so clear. As the nineteenth-century Cherokee cases revealed, the white-tailed deer provided a legal basis for both Indian dispossession and Indian opposition to removal. In the end, it would be the white-tailed deer, not the Indians, that would cede Native Americans' possession claims.[150]

By the end of the eighteenth century, an American colonizing policy of free taking that offered open access to deer had fragmented into different legal regimes governing hunting grounds that varied by place. East of the Appalachians, where trespasses impaired private property and overhunting destroyed deer, Americans found themselves cut off from much of the animal wealth they had been promised. On the Appalachian frontier, where the whitetails still roamed, conflicts between hunters generated two different understandings of land ownership. Both were linked to the wild creatures, especially the deer that roamed these western hunting grounds. Deerskin hunters such as Boone redefined Kentucky's disputed hunting territories as a colonial hunting commons where pioneer settlers could exercise their collective "rights in the woods."[151] Farther south, the laws that enclosed Cherokee, Chickasaw, and Creek hunting grounds with definite boundary lines and excluded white trespassers gave those lands some of the attributes of private property and, consequently, strengthened Indian deer hunters' possession claims.

What remained the same in both cases, however, was the centrality of wild deer in any definition of a hunting ground. By giving these western hunting grounds a physical reality, the white-tailed deer stood in the way of a colonizing process that required the removal of indigenous inhabitants and the rational conversion of land into agrarian settlements. The wildness of the deer and their hunters confounded colonizers' attempts to fix people in place. Mimicking the habits of their prey, deer hunters wandered, gamboled, and skulked along the edges of Anglo-American settlement. They ignored the legal boundaries authorities drew to indicate possession and separate different forms of land use. Following the deer, hunters ranged widely, adopting seasonal patterns of movement. They ventured outward, away from more developed environs and into the western territories variously claimed

by Native Americans as their hunting quarters. Deer hunters' trespasses, and the conflicts they caused, undermined the legal rationales underlying English colonial possession. Their actions forced authorities to develop new definitions of property, both Anglo-American and Indian, to contain a wildness that did not conform to English colonizing designs. In short, deer hunters initially worked to unsettle the Appalachian frontier rather than to bring an English order to it.

But the hunters did not act alone. They operated in concert with their favorite prey, the white-tailed deer, to destabilize Anglo-American understandings of possession. Although promoters advertised abundant and freely available American deer as valuable aids to colonization, the animal's mobility confounded authorities' efforts to dispossess the indigenous inhabitants and to exert exclusive ownership and rational use of their colonial possessions. The white-tailed deer—perhaps the most significant faunal resource in the southern Appalachians—gave hunting grounds a physical reality as a category of possession. A hunting ground was one only so long as the deer remained. In many ways, the eighteenth-century invention of a hunting ground was a concession to the wild deer. Crossing the imaginary lines between commons and private property, between forested wastes and cultivated fields, and between Indian hunting grounds and Anglo-American settlements, the white-tailed deer refused to be colonized.

In All Their Native Freedom

Freshly returned from a seventeen-year residence in Europe, Washington Irving longed to see the American West. So he eagerly accepted when, in the summer of 1832, Henry Leavitt Ellsworth invited him along on a scouting expedition to the southern plains. Ellsworth, who had been appointed by President Andrew Jackson to oversee the western resettlement of eastern tribes, asked the famous writer to join his fact-finding mission to the Indian Territory, knowing that "Mr. Irving was anxious to visit the Buffaloe country."[1] Irving's account of the trip, *A Tour on the Prairies,* first published in 1835, served as the author's reintroduction to American audiences.[2] Wanting to craft a book of a "decidedly national character," Irving opened his story with a description of a "region fruitful of wonders and adventures" stretching between the Arkansas, Canadian, and Red Rivers. "Over these verdant and fertile wastes," he wrote, "still roam the Elk, the Buffalo, and the wild horse in all their native freedom." Far from the "outposts of human habitation," the prairies were the hunting grounds of the Osage, Creek, and Delaware Indians, as well as the "Pawnees, Comanches, and other fierce, and as yet independent tribes, the nomades of the prairies." On these "debatable grounds," contested and fought over, Commissioner Ellsworth hoped to find suitable sites for the dispossessed eastern Indians.[3]

Others had already made similar expeditions across the southern plains, measuring the prospects of the promised lands of removal. In an 1828 letter, later republished in the *Cherokee Phoenix,* Capt. Thomas Anthony announced that his party of Creek Indians was well pleased with the parts of the Indian Territory they had toured, especially after a successful buffalo hunt. Twenty-eight Creek hunters killed twenty-four buffalo in twenty days and sighted still hundreds more. Agriculture and hunting in this environment could

provide emigrants with more than an ample subsistence, Anthony claimed—a point the US Indian commissioners attempted to drive home to reluctant and resistant eastern tribes in the 1820s.[4] "Your father the President," US commissioners told the Choctaw in 1820, had selected a better country for their home, "where you can either plough the ground or hunt the deer, the bear, and the buffalo." Indian agents and government officials promised that embattled eastern tribes "could not be disturbed in the titles" of those western lands full of vast herds of buffalo and other wild game. Florida's territorial governor, William P. Duval, was confident that the Seminole chiefs, if they could "be induced to send out a party to explore the country," would find "the great number of deer, elk, and buffalo . . . a strong temptation to them to settle west of the Mississippi."[5]

Many living east of the Mississippi, however, dismissed extravagant depictions of the western plains as so much hype. In a formal response to demands for further cessions in 1824, the Cherokees rejected the idea of trading their homes "for no other inducement than to hunt buffalo."[6] Other opponents of Indian removal agreed. Massachusetts congressman Edward Everett insisted in the debates over the 1830 Indian Removal bill that it was "high-handed" arrogance on the part of the federal government "to throw these Indians into the Western wilderness." Everett cited the reports of early explorers who labeled the southern plains as fit only "for buffaloes, wild goats, and other wild game." Why should "men brought up in the cornfield, the workshop, and at the loom," the congressman asked, be sent west "to hunt buffalo . . . in this uninhabitable desert?"[7]

Easterners may have deemed the southern plains "uninhabitable," but the land was certainly not unoccupied. One Arkansas newspaper pointed out the obvious: the country west of Missouri and Arkansas proposed for resettlement was "already parceled out to the several tribes who now occupy it."[8] The Texas country was not an option, since it did not belong to the United States. The great "desert" that formed the western boundary of Indian Territory was claimed as "the hunting ground of the Pawnees and Camanches." These lands were not "only occupied by the buffalo," Everett maintained, they were also occupied by "the fiercest tribes on the continent."[9] Removal to the plains, the Cherokees protested, would compel them to "wage war with the uncultivated Indians there," and Indian commissioners recognized that the forced migrants were "in dread of the western Indians."[10] Violent conflict was the inevitable outcome of Jackson's plan, opponents of removal argued. The western prairie would become "a perfect Indian slaughter-house."[11]

The Indian-removal controversy raging in the first decades of the nineteenth century underscored the human obstacles to the radical reorganization Jackson's Indian policy proposed—the same obstacles American pioneers would later encounter. Many recognized that westward emigration, either Native American or Euro-American, would spark conflicts with the Indians already in possession of the land. Although *Johnson v. McIntosh* appeared to settle the legal question of Indian title by defining it as only a temporary right of occupancy, it did not resolve the issue of the plains tribes, who, presumably, could claim their property rights as original occupants of the soil. Experience had taught Americans that possession by occupancy was not easily extinguished. Secretary of War Peter Buell Porter said as much in 1832 when he noted that no consensus existed about tribal rights to land. Some contended that tribes were independent and sovereign nations. Others deemed Indians "mere tenants at will, subject, like the buffalo of the prairies to be hunted from their country whenever it may suit our interest or convenience to take possession of it." Both views were extreme, Porter insisted, but "the intermediate line has never been drawn by the Government."[12] So, while *Johnson v. McIntosh* provided the legal backing for dispossession, Americans remained unsure whether conquest or a peaceful transfer of title would end the Plains Indians' occupancy of the West.

But what of the Great Plains' iconic animal occupant: the buffalo? Most observers in the first half of the nineteenth century saw the millions of plains bison as simply more evidence of American animal abundance. In the shortgrass prairie environment, devoid of large forests or major topographical variations, the immense herds of buffalo darkening the landscape appeared as the plains' most prominent feature. Common parlance linked "wild buffaloes" with "wild Indians" in the West. Of the two, colonizers believed the Indians would prove the most contentious occupants of the soil. By the second half of the nineteenth century, however, many would begin to argue that the buffalo's occupation of the plains was similarly problematic. Even as bison herds dwindled in size, their presence, or absence, figured significantly in the American colonization of the West. In the end, the plains bison compelled colonizers to understand possession as a problem of both human and animal occupancy.

Certaine Great and Strange Beasts

A shipwreck off Galveston Island in 1527 left Álvar Núñez Cabeza de Vaca stranded in the New World. For the next eight years, Cabeza de Vaca—along

with three other survivors of the ill-fated Narváez expedition—wandered, traded, and explored through the Southwest, hoping to find his way to the settlements of New Spain. In the course of his travels, he stumbled upon a remarkable animal find: massive herds of bison congregating along the Colorado River near present-day Austin. "These cows," he recalled in his 1542 *Relación,* "come from the north, across the country further on, to the coast of Florida, and are found all over the land for four hundred leagues." Their small horns were "like those of Moorish cattle," and their hair was very long, "like fine wool." Cabeza de Vaca thus became, in 1530, the first European to record a sighting of the largest North American land mammal.[13]

Subsequent Spanish descriptions fleshed out Cabeza de Vaca's sketch and added exotic flourishes to his spare account. As sixteenth-century Spanish explorers probed the interior of the continent, they walked into open grasslands, which they called the "Llanos del Cíbolo," or Buffalo Plains, where they met more of these "Certaine Great and Strange Beasts Never Seene nor Heard of in Our Knowen World of Asia, Europe, and Africa." The large animals were "very deformed and terrible," wrote Francis Lopez Gomera in his *General History of the West Indies*.[14] The plains bisons' strange appearance frightened even the horses.[15] Others, though, found the creatures to be "marevellous and laughable." Juan de Oñate insisted that "the more one sees it the more one desires to see it, and no one could be so melancholy that if he were to see it a hundred times a day he could keep from laughing heartily as many times." A curious combination of a camel, mule, lion, sheep, goat, and cow, the buffalo was a marvel to Spaniards captivated by "the sight of so ferocious an animal."[16]

The strange beasts were not simply oddities on the plains. To sixteenth- and early seventeenth-century explorers, it was obvious that the bison was essential to the indigenous peoples of New Spain. Buffalo meat, tallow, hair, and hides were staples in all "the countrey of Cibola."[17] Native peoples used bison pelts for blankets, shoes, targets, and tents. Skilled American tanners transformed hides into skins that seemed to Spanish colonizers "as soft as linen or fine Holland cloth," and the bison's long wooly hair was made into rugs or hats.[18] The people of the Apache nation—"the ones who possess these plains," according to Oñate—lived by "always following the cattle" or perhaps by "the cattle always following them."[19] So obviously central were these beasts to Indian economies that the conquistadors were not far off the mark in considering the bison akin to domestic livestock.

New Spain's colonizers found the buffalo so unusual and potentially useful that they made numerous attempts to capture specimens in order to bring them back either to Spain as curiosities or to colonial settlements as domestic cattle. Both efforts generally failed. A sergeant major in Oñate's 1598 New Mexico expedition thought to "capture a few of these buffalo to take back to the pueblo of San Juan," so that colonists there could view them. Soldiers tried to drive the animals into a hastily built stockade, but "the savage herd" stampeded, "rushing about like a raging whirlpool" and "raising an immense cloud of dust." Bison gored Spanish horses and threatened to trample men. Thwarted in their efforts to corral full-grown buffalo, the Spaniards turned to roping calves, but even the youngest animals "became so enraged" that they died within an hour of being captured. Buffalo were too wild, the explorers concluded, to be confined. So, the soldiers shot them down instead.[20]

To the Spanish, the plains buffalo's appearance, wildness, and usefulness were all remarkable attributes. But it was the sheer numbers of bison that made the greatest impression. Writers groped for ways to convey the size of the Buffalo Plains' massive herds and feared their descriptions would be read as exaggerations. The 1581 Chamuscado and Rodriguez expedition to New Mexico encountered buffalo "over a continuous space of more than two hundred leagues in length." Oñate's captain, Gaspar Pérez de Villagrá, spied bison across "six or eight hundred leagues." As he wrote in his 1610 *History of New Mexico,* "it seems to be a regular sea of cattle. Unfortunate indeed would be the traveler who lost himself on these plains, for he would surely perish in the midst of this sea of beasts." Even in the absence of bison, the southwestern landscape showed evidence of their numbers in the flattened grass and piles of dung and bones left behind.[21]

Compared to Spanish accounts of the Southwest, the first English descriptions of eastern bison seem almost mundane. Samuel Argall provided the earliest European report of buffalo east of the Mississippi River in 1612. Not too far inland from the Chesapeake Bay, the English adventurer stumbled upon a considerable number of the great beasts. After his Indian guides killed a couple, Argall recorded what he saw as the bison's key characteristics: they were a "very good and wholesome meate," and they were "very easie to kill." The Englishman, unlike the Spanish, insisted these great indigenous cattle were "not so wild as other beasts of the Wilderness."[22] Subsequent English explorers noted sporadic reports of buffalo sightings near

the coastal colonies in the seventeenth and early eighteenth centuries, though most conceded the animals resided in remote haunts farther west.[23] Eighteenth-century natural historians such as John Lawson and John Brickell listed the buffalo among North Carolina's native fauna, and they detailed its characteristics but admitted that none were to be found in the vicinity of the English settlements.[24] Of the animals themselves, writers said not much more than that they were large, hairy, and tasted good. William Byrd's surveying party was 150 miles from the Virginia coast in 1729 when they "had the Luck to meet with a Young Buffalo," which they promptly killed and ate. The men were "delighted with this new diet."[25]

The eastern bison prosaically described by the English were not significantly physically different from the western variant the Spanish encountered. They were, in fact, the same species, *Bison bison*. Rather, the discrepancies in English and Spanish accounts had more to do with the bison's recent history and geography. The Spanish in the southwestern plains had ventured into the heart of buffalo country and native buffalo economies. The English, hugging the Atlantic coastline in the seventeenth century, were on the outer edge of a recent expansion in the bison's range. Capitalizing on native depopulation caused by Old World diseases, buffalo had likely arrived in eastern forests only shortly before the English colonists. There were no great herds or vast oceans of beasts for Englishmen to discover. There were no people who relied on bison for their entire subsistence. Instead there were only a few straggling creatures or, more often, tales of large oxen to be found somewhere far inland.[26]

Not until colonizers pushed across the Appalachians in the mid-eighteenth century did they encounter buffalo in large enough numbers to warrant more discussion. In his 1750 surveys of Kentucky, Dr. Thomas Walker found herds numbering from forty to nearly one hundred creatures clustered around salt licks and salt springs.[27] "Amazing herds of buffalo," wrote John Filson in 1784, provoked the "amazement and terror" of travelers. The animals' paths crisscrossed the landscape with "prodigious roads" that looked as though they were "leading to some populous city."[28] Daniel Boone and other "long hunters" initially found Kentucky buffalo more common than "cattle in the settlements."[29] Before the incursions of explorers and surveyors sent by eastern speculators, the "great herds of buffalo," the frontiersman Joshua McQueen recalled, were hunted only by Native Americans who "never shot them but when they wanted them." Still in 1779, so many buffaloes

frequented the salt licks that McQueen was certain a hunter "couldn't possibly have driven them all out."[30]

It was here, in the trans-Appalachian West, that Anglo-American colonizers began to see how bison could abet settlement and possession. The buffalo's nature—its habits and its size—meant that it provided much for relatively little effort on the part of hunters. Hunters found the buffalo unafraid, given the limited hunting pressure, which made them all the easier to find and kill. Unlike elusive white-tailed deer and solitary black bears, gangs of buffalo were easier targets, especially when massed at salt licks and mineral springs. Hunters could follow easily discerned buffalo roads to find their quarry, and the animals could be driven out of Kentucky's river-bottom canebrakes by setting fires to the dense thickets.[31] Kentucky's hunters and settlers quickly added buffalo to their list of prey, since buffalo robes and meat were as useful as deerskins and venison on the frontier. Boonesborough residents suffered through the severe winter of 1780 living "chiefly on the flesh of buffalo."[32] Another cold season saw McQueen and his partner John Phipps at the mouth of the Ohio, killing buffaloes and selling the meat upriver.[33] Bison hides, accumulated in numbers large enough to make even low market prices profitable, could be transformed into good leather. One old hunter told Thomas Ashe that he had killed between six and seven hundred buffalo solely for hides that brought a paltry two shillings apiece. After several years of skin hunting at the headwaters of the Allegheny and Monongahela Rivers in the 1750s, though, the hunter discovered that "the remaining droves" of buffalo had "returned instantly to the wilderness," never to reappear in western Pennsylvania again.[34]

Even as colonizers toted up the bison's attributes in the eighteenth century, they noticed this disturbing fact: the animals were not as numerous as they once had been. For a brief moment their numbers in the trans-Appalachian West had seemed incredible, perhaps even limitless. But it quickly became apparent that where the great beasts once had been, they were no more. Some hunters speculated that the buffalo had simply "moved off" or retreated from encroaching white settlements and hunters.[35] Others argued that the bison had been "wantonly sported away" by settlers. According to Gilbert Imlay, the bison had been "mostly driven out of Kentucky" by 1797.[36] Though more were always presumed to remain farther out, on the "exterior of settlements," it slowly became apparent that the buffalo were disappearing even further to the west.[37] Some early nineteenth-century geographies still

claimed that the Illinois territory abounded in buffalo, while other descriptions insisted that the animals made their exodus sometime between 1780 and 1790, and retired to Missouri River ranges.[38]

Colonizers in the trans-Appalachian West had caught a brief glimpse of a different kind of animal abundance in the eastern bison. The benefit of such animals to hunters, to pathfinders, to settlers, and to traders was merely suggested in the late eighteenth century before the creatures were gone. To be sure, many Americans assumed that the buffalo's disappearance was an inevitable and even desirable consequence of colonial possession. Yet when the last two buffalo east of the Mississippi River were killed in Wisconsin in 1832, there remained a vague feeling that something valuable and uniquely American had been squandered and lost. The free access to animal abundance that colonial advertisers proffered for two centuries was at an end.[39]

Or, perhaps not. With the 1803 Louisiana Purchase, the heart of the western buffalo country was opened to American colonizing. Once again, as explorers, surveyors, trappers, and traders took stock of these lands, Americans heard tales of animal abundance. Although bearing a familiar ring, these were new kinds of colonizing stories, set in an unfamiliar environment with a different cast of characters. Of the animal actors, the bison played the protagonist. The wealth of buffalo on the plains reenergized colonizing impulses and led Anglo-American colonizers to imagine new narratives of possession for the western landscape. Of course, they expected that the end of the story was a rationalized environmental order, but it was not obvious how this could be accomplished, given the nature of the land and its inhabitants. At the outset, it was not clear who would be occupying the Great Plains when the last chapter was written.

Stephen H. Long composed one possible storyline. In reporting his explorations of 1819–20, Long famously characterized the Great Plains as being "almost wholly unfit for cultivation, and of course uninhabitable by a people depending upon agriculture for their subsistence." The land appeared "peculiarly adapted as a range for buffaloes, wild goats, and other wild game," since "incalculable multitudes" of these wild beasts found "ample pasturage and subsistence upon it." In labeling the plains the "Great American Desert," Long did not intend to dismiss the country's significance. As the nation's western frontier, he argued, the vast grasslands "may prove of infinite importance." They would "serve as a barrier to prevent too great an extension of our population westward," as well as protect the nation from

"the machinations or incursions of an enemy that might otherwise be disposed to annoy us."[40]

Others shared Long's idea that this western space would be defined and organized differently from the land east of the Mississippi. Many argued that the plains would best function left as a kind of natural buffer zone rather than transformed into a "settled" place of individual farms and towns. The vast numbers of buffalo roaming the steppes seemed to predetermine the possible ways in which the land could be used. Jefferson's 1803 description of Louisiana identified the area north of Mexico as "one immense prairie" that was "filled with buffalo, deer, and other kinds of game." Though these lands produced "nothing but grass," they were rich in bison—a fact to which early explorations of the trans-Mississippi West routinely attested.[41] The great herds of the plains "surpassed credibility." While on Zebulon Pike's 1807 expedition, James Wilkinson swore, "if I saw one, I saw more than 9,000 buffaloes during the day's march."[42] In 1839, Thomas Jefferson Farnham descried a "thousand hills that swelled on the horizon" at Pawnee Fork, Kansas, that were "covered with dark masses of buffalo peacefully grazing."[43] The prairies were "literally alive with buffalo," according to John C. Frémont's 1842 report.[44] Here was a kind of animal abundance unheard of east of the Mississippi River.

The Great Plains bison served as the most visible symbol of the West's environmental distinctiveness and promise. Crossing featureless grasslands, travelers looked for the buffalo as living signposts, marking the entrance to the interior of the continent. Diarists celebrated their first buffalo sightings and hunts. James Ohio Pattie was headed toward Santa Fe when he "had the long and anxiously expected pleasure of seeing buffaloes" for the first time.[45] Josiah Gregg noted the specific day his party initially encountered "these 'prairie cattle.'" The animals made quite the impression on the group, since few "had even seen a buffalo before in its wild state."[46] That kind of inexperience embarrassed James Beckwourth when he was hired on as a hunter for Gen. William Ashley's Rocky Mountain Fur Company. Sent out to kill game for dinner, Beckwourth shot a large, dark animal he thought was a bear. General Ashley had to inform the novice hunter that he had actually brought down a buffalo. It made for an uncomfortable evening, recalled Beckwourth, who had to endure his companions' jibes. Yet, the event remained significant to him as an encounter that signaled his inauguration into western life.[47]

The ubiquitous buffalo herds, "grazing in undisturbed possession" of the plains, indicated the new environmental and cultural realities with which

Anglo-American colonizers would have to contend in the West.[48] The linkage between the Plains Indians and the bison was both material and symbolic. American colonizers easily recognized the centrality of bison in Indian economies and ecologies. For some tribes, buffalo hunting was one of a range of subsistence activities that included agriculture. For others, often identified as "Buffalo Indians," the plains bison served as a singular economic resource, the key to trading and raiding economies.[49] Western explorers from Lewis and Clark to Long, Frémont, and Randolph Marcy noted that the "roving bands" of the plains relied upon the buffalo as "their principal means of subsistence."[50] The Indians, wrote Henry Atkinson and Benjamin O'Fallon in 1826, "succeed in supplying themselves with an abundance of the flesh of that animal for food, and their skins for robes—the principal article of their comfort in dress, and almost the only article they obtain for traffic with traders."[51]

In fact, buffalo had recently risen in economic importance among plains tribes, including the Comanche and Kiowa in the South and the Crow and Sioux to the north. Incorporating European importations—namely, horses and guns—the buffalo-hunting Indians of the plains radically reshaped their societies in the late eighteenth century.[52] By the time American colonizers encountered the Plains Indians in the nineteenth century, it was not a gross oversimplification to characterize the tribes as inseparable from buffalo. That relationship raised questions about the best way to colonize both. William Gilpin articulated the implications of that animal connection in 1861, arguing that his "very complete experience with the 'Buffalo Indians,'" led him to conclude that "the United States law regulating intercourse with the Indian tribes is inapplicable to the great plains and mountains."[53] A different sort of physical and cultural environment in the West required new thinking about how to order and possess it.

One consistency remained in this new environment: the idea that animal abundance would benefit colonization. Initially, American colonizers assumed their projects would be best served by allowing the buffalo to fill the niche they already occupied in Indians' societies. As a readily available economic and cultural resource, bison would absorb native interests and divert attention from American intrusions. The Indian trade in buffalo robes already provided colonizers with an important economic connection to western tribes.[54] As the debates over Indian removal demonstrated, many American officials also believed that the great herds on the western prairies would prove an inducement to removed tribes. Hoping to convince eastern

Indians to relinquish their lands, authorities held out extravagant promises of buffalo hunting on the open plains.[55]

Still, new scenarios emerged in the nineteenth century for the Great Plains' colonization—scenarios in which the bison played central roles. Explorers saw the animal's potential to feed pioneers en route to the more fruitful lands on the Pacific coast. Calculating the square acreage of buffalo he had seen in his travels, Farnham exclaimed, "What a quantity of food for the sustenance of the Indian and the white pilgrim of these plains!"[56] Marcy's western guide listed the places where emigrants could hunt buffalo for meat and find buffalo chips for fuel.[57] The first waves of prairie settlers found bison crucial to their subsistence. One day's hunting could provide enough meat to last an entire winter. Railroads also relied on buffalo herds to feed their construction crews, and the finished railroads brought hordes of sport-hunting tourists to rack up enormous kills.[58] Vast herds of buffalo further indicated that the grasslands, despite their bleak appearance, could serve as pasturage for settlers' domestic livestock.[59] In all, bison provided reassurances to American colonizers that the West could be possessed.

American observers generally agreed on two seemingly contradictory characteristics of the plains' faunal environment in the early nineteenth century. First, they concurred that the bison was the most conspicuous feature of the plains. All agreed that the buffalo were "countless," that they traveled in "immense herds" of "infinite numbers." The second point of consensus was that the buffalo would soon disappear. Some attributed the dwindling numbers around fledgling frontier settlements as proof of the "well-known fact" that "the odour of a white man is more terrifying to wild animals, particularly the bison, than that of an Indian."[60] Others held the darker view that the plains bison was on the verge of extinction, given the extraordinary numbers killed each year by Indian and white hunters. Particularly galling to critics was the wastage of the great beasts. Reports from the plains noted how hunters took only buffalo hides and tongues, leaving carcasses to rot in the sun. Based on information from trading posts, commentators estimated that for every buffalo robe, five animals were killed and wasted. The "sporting propensities" of western travelers and soldiers were also responsible for the unchecked destruction. Recent experience with eastern bison provided support for the view that extinction, even among populations as large as these, was an inevitability.[61]

As George Catlin mused in 1844, "Nature has no where presented more beautiful and lovely scenes, than those of the vast prairies of the West; and of *man* and *beast,* no nobler specimens than those who inhabit them—the *Indian* and the *buffalo*—joint and original tenants of the soil, and fugitives together from the approach of civilized man; they have fled to the great plains of the West, and there, under an equal doom, they have taken up their *last abode,* where their race will expire, and their bones will bleach together."[62] The famous western painter and writer, along with many other Americans, presumed that the fates of the buffalo and the Indians were intertwined. Both were the "original tenants of the soil"—occupiers of the land but not masters of their destinies. At first blush, Catlin's predictions would seem prescient. The process of wresting the plains from their indigenous inhabitants, though, would prove to be more complicated and difficult than Catlin allowed. Far from being inevitable, the transformation of the plains would take the concerted actions of a considerable number of players and would be accompanied by tremendous violence. It would take the rest of the nineteenth century for American colonizers to realize their vision of a rationalized environmental order on the Great Plains.

The Buffalo Hunter's War

In the summer of 1874, American buffalo hunters and traders convened in the Texas Panhandle at the site of William Bent's old trading post at Adobe Walls. They were there to harvest the still sizeable herds of free-roaming buffalo found on the forbidding tablelands of the Llano Estacado, or Staked Plain, that stretched southward from Indian Territory and across the border between Texas and New Mexico. The hunters knew they were taking a chance. The Indians who claimed this area as their hunting ground would resent the intrusions, yet the "buffalo runners" believed they had a right to be there. They certainly had a reason to be there: the plentiful and profitable bison that were free for the taking.[63]

In the early morning hours of June 27, twenty-eight buffalo hunters, merchants, and freighters encamped at the fort awoke to the sound of "one solid yell—a warwhoop that seemed to shake the very air of the early morning." The terrifying shout was followed by the thunder of horse hooves and "the hideous cries" of hundreds of Comanche, Kiowa, and Cheyenne warriors. The hunters scrambled out of their bedrolls and ran for one of the fort's three main sod-walled buildings: the A. C. Myers store, the Rath and Company store, and James Hanrahan's saloon. Not all those inside the

compound made it to safety. The Shadler brothers, freighters from Dodge City, did not awaken in time. They were killed and scalped in their wagon, along with the Newfoundland dog that slept at their feet. Buffalo hunter Billy Dixon recalled that the attacking Indians "flaunted the bloody scalps of the Shadlers with devilish glee" as they surrounded the sod buildings and shot out every window in the place. The besieged occupants of the fort fought desperately as the combined Indian forces repeatedly charged the buildings, at times getting close enough to pound on the barricaded doors with their gun butts.[64]

As the shock of the initial attack wore off, the buffalo hunters began to get themselves organized, collecting their guns and ransacking the merchants' storerooms for extra ammunition. Firing from the sod buildings' broken-out windows, Dixon, Bat Masterson, and the other buffalo hunters began to make an impression on their attackers as they picked off the Indians and their ponies one by one with their powerful, long-range weapons. The gunfight raged on until, as Dixon recalled, "in many places the grass around Adobe Walls was wet with blood." Seeing that a frontal attack was ineffective against the well-armed hunters, the Indians withdrew and settled in for a siege, after killing all of the Americans' oxen and horses. Those left in the fort emerged from their shelters in the afternoon just long enough to bury their dead: the Shadler brothers and Billy Tyler, who had been shot through the lungs. A quick survey of the grounds turned up a dozen dead horses and thirteen dead Indians whose bodies had not been recovered by their comrades.[65]

The next day, more hunters returned from their camps further to the north and approached Adobe Walls, unaware of the pitched battle that had just taken place. Seeing the dead Indians and horses scattered around the buildings, they quickly recognized the danger to the improvised settlement. One of the returning buffalo hunters, Jim Cator, loaned his horse to Henry Lease, who volunteered to ride back to Dodge City to get help. Others fanned out over the rugged countryside to warn the dozens of other hunters still out in the field that "the Indians were on the warpath." Another buffalo runner, Tom Nixon, organized a rescue party to relieve the Adobe Walls trading center and bring the one woman at the fort, Mrs. Olds, to safety.[66]

In the meantime, Lease reached Dodge City and requested the cavalry be sent out to aid the besieged. Military officials, however, were unmoved by the buffalo hunters' plight. Gen. John Pope, commanding the Department of the Missouri, assumed no responsibility for defending the Americans at

Adobe Walls. He believed they had no right to be there and so must take their chances with the Indians. More than that, the buffalo hunters were the cause of the conflicts that plagued the frontier after the Civil War. General Pope maintained, quite publicly, that he had "no sympathy or concern" for the white buffalo hunters who had illegally set up shop in Texas. They were "ruffians who have invaded the Indian country and committed violent and inexcusable outrages upon the Indians." If he were to send troops to these "unlawful trading establishments," Pope declared in a widely reported statement, "it would be to break them up and not to protect them." The general went even further to assert that "the unscrupulous and illegal transactions of these people" had precipitated Indian attacks on "innocent settlers on the frontier." In Pope's view, the trespassing buffalo hunters "ought to be punished and not protected."[67]

Why were the buffalo hunters at Adobe Walls in June 1874? Plainly, they were there to kill buffalo. But more than that, they were there as participants in the American colonizing process—even though General Pope would have been loath to admit it. They were there to take advantage of the wild-animal abundance that had been offered as an inducement to colonists for nearly three centuries. The ensuing series of confrontations called the Red River War, however, revealed that the wild bison complicated colonizers' plans for the Great Plains. Though American observers had been announcing the buffalo's imminent extinction for decades, the animal proved to be a more tenacious occupant of the grasslands than expected. Far from making an inevitable retreat from the leading edges of Anglo-American "civilization," the bison required substantial and violent efforts to remove it from the western prairies. The buffalo's persistence, even with diminished numbers, eventually led colonizers to wonder if American possession of the plains would require forcibly ending both the Indians' and the bison's occupancy. The Indian uprising of 1874–75, one of many similar dramas enacted on the plains in the years after the Civil War, shows how a single wild species could shape American conceptions of native occupancy and colonial possession. The plains bison at stake in the Buffalo Hunter's War, as some called it, exposed the contradictions between the colonizers' promises of free wild-animal abundance and Anglo-American possession claims based on a rationally ordered environment.

The reason for the buffalo hunters' arrival in the Texas Panhandle was buffalo; the timing of that arrival, however, was governed by a chain of mid-nineteenth-century technological and economic developments. Of course,

Americans had been hunting buffalo long before 1874. The earliest frontier settlers took the advice of nineteenth-century emigrant guides and made use of the beasts to supply their wagon trains and fledging settlements.[68] As a consequence, buffalo populations dropped along the Santa Fe Trail, one of the main southern routes to the west. Settlers on the southern plains organized buffalo hunts for fun, as well as to obtain meat, tallow, and hides. Buffalo hunting was a regular event in post–Civil War Texas, according to Susan Newcomb. Newcomb, who lived with her husband Samuel in Stephens County, witnessed the departure of at least nine hunting parties from Fort Davis between December 1865 and January 1866. Both Newcombs noted how plentiful bison were in the region around the Brazos River, and they described how settlers routinely harassed the occasional "wild wooly monster of the west" that strayed into the fort. Susan Newcomb recorded in her diary "a little fun we had with a buffalo" in 1866. The boys in town drove a wandering bull into a cow pen and roped its head and heels. After "cutting him up pretty severly [*sic*]," the youngsters killed the buffalo in a riverbed, being well pleased with their day's sport.[69]

Soldiers at western military posts found buffalo hunting to their liking as well. Commanders allowed and, in some cases, encouraged their troops to kill bison to supplement their meager rations. No less important was bison hunting for recreation. Officers of Custer's Seventh Cavalry held a one-day, buffalo-killing competition near Fort Hays, Kansas, in 1867 that culminated in a "great supper of 'Buffalo Hunters.'" In fact, wrote Albert Barnitz to his wife Jennie in 1868, buffalo hunting had become the "rage" among Custer's officers, with several going out each morning and returning by afternoon with "humps, hindquarters, and tongues from half a dozen buffaloes."[70] At Fort Cobb, in Indian Territory, Maj. Gen. D. S. Stanley witnessed an immense slaughter in 1860. The post command, in an effort to turn a sea of migrating bison away from the fort, shot into the herd with cannons, killing hundreds. When the weather turned warm the next day, "the putrefying carcasses, by their stench, nearly ran the people out of the post," Stanley recalled. The soldiers spent the next week "hauling carcasses into heaps and burning them."[71] Others suggested bison hunting as a military tactic. Gen. William Sherman was one of the most vocal advocates of this animal approach to Indian resistance. Sherman told the *Army Navy Journal* in 1869 that "the quickest way to compel the Indians to settle down to civilized life was to send ten regiments of soldiers to the plains, with orders to shoot buffaloes until they became too scarce to support the redskins."[72] John M. Schofield

voiced similar sentiments in his memoirs, remembering that, upon his arrival at Fort Leavenworth, Kansas, between 1869 and 1870, he "wanted no other occupation in life than to ward off the savage and kill off his food until there should no longer be an Indian frontier in our beautiful country."[73]

Although Americans on the plains had hunted buffalo extensively and destructively before the conflict at Adobe Walls, the pace of the killing accelerated dramatically in the years immediately prior to the battle. Buffalo hunters were slaughtering more than ever before to satisfy new market demands that materialized in the early 1870s as a result of hide-processing innovations. The historical record is confused on the exact origins of the new methods that allowed tanneries to convert buffalo hides into serviceable leather for industrial uses. Various people claimed credit for the initial experiment that eventually brought hundreds of thousands of hides to eastern tanneries in the 1870s and 1880s. The most widely repeated story came from the buffalo hunter Josiah Wright Mooar, who operated out of Fort Hays, Kansas, in the early 1870s. His version, narrated nearly fifty years later, attributed the impetus to an English firm's 1871 test order for five hundred buffalo hides from W. C. Lobenstein's Fort Leavenworth fur-trading company. Mooar, who had been hunting buffalo for meat, contracted with Lobenstein's agents, Charlie Rath and Charlie Myers, to deliver the requested hides. Mooar collected more than his quota of skins and subsequently sent the leftovers to his brother in New York who found eastern tanneries eager to pursue the same experiment. Their trials were "immediately successful," and American tanners began negotiating with Mooar "for all the buffalo hides [he] could deliver."[74]

Mooar's account differed from another reported in the *London Times* in 1872 that credited "a few enterprising New Yorkers" with the original idea to turn buffalo hides into leather. "American tanners were unable to make anything out of them," the *Times* asserted, and only English tanneries perfected the process of rendering the skins soft and pliable enough "for carriage tops or for patent leather."[75] Still another version of the technological innovation traced its origins to a Canadian tanner, Benjamin McLean, who operated a fur- and hide-trading business in Kansas City in the years after the Civil War. Several other fur and hide dealers in Kansas quickly jumped into the trade, the *Shoe and Leather Reporter* stated in 1890, after tanneries in New York, Cincinnati, and Montreal found processes for turning bison hides into an acceptable leather that was used for mail pouches, collar leather, and shoes for the British and German armies.[76]

Despite discrepancies in the details, it seems evident that western hide dealers and eastern tanneries collaborated in experiments sometime in the early 1870s to turn the normally porous and spongy bison hides into stronger leather, suitable for machine belting and other uses. A spike in cowhide prices at roughly the same time allowed western merchants to flood the market with buffalo skins as lower-cost substitutes. A brief but intense flicker of heightened demand for bison hides propelled an army of professional hunters onto the prairies, where they harvested the most easily accessible herds first.[77] Buffalo hunters invaded the southern plains in numbers so great that, as rancher Charles Goodnight recalled, "I would hardly ever be out of the sound of the guns from sun-up to sun-down."[78] Professional hide-hunting outfits usually consisted of four to five men—though some camps numbered more—with "certain men doing the shooting and others doing the skinning." An average hunter could kill about fifty bison a day, and an average skinner could remove about thirty to forty hides. Cooks, camp tenders, and haulers rounded out the groups. These kinds of organized camps fanned out from merchant centers in Kansas to scour the bison ranges north and south.[79]

Professional buffalo hunters were not invented by the renovated commercial bison leather trade, however. Most of the Americans hunting around Adobe Walls in 1874 had already been hunting buffalo for profit. Men such as Mooar, Dixon, and Masterson were providing meat to frontier settlements and selling robes to local merchants. Even earlier, in the 1840s, Bent's satellite trading post at Adobe Walls dealt mainly in buffalo robes. These earlier forms of bison hunting, however, were mainly seasonal activities, undertaken during colder weather when bison pelts were thicker. Lower temperatures also preserved meat destined for more distant markets. Boston received four tons of buffalo meat from Kansas and Colorado in February 1872 and hundreds of tons the previous season.[80] The profits to be made from robes and meat were encouragement enough to keep white hunters on the range.

The new hide business that began in the 1870s, though, differed in crucial ways from the older buffalo robe and meat trade. First, bison hunting became a year-round occupation, since raw hides for leather making could be acquired at any time of the year. Second, the leather trade allowed hunters to use any bison, irrespective of age or sex, rather than just the younger cows that had been the main targets for hunters seeking tender meat and supple pelts for robes. Finally, transporting dry buffalo hides that were to be turned into

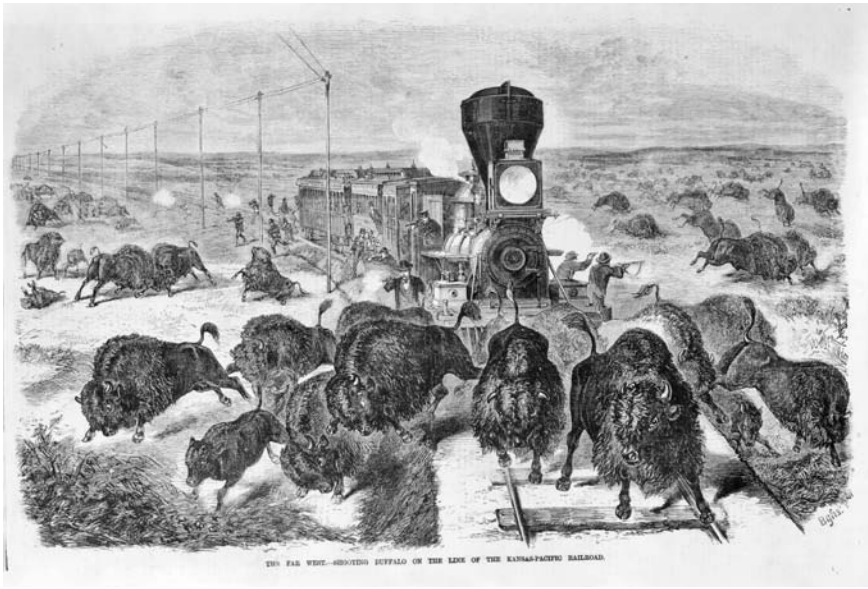
leather was easier than hauling bulky buffalo robes. The technological innovations of the 1870s quickly channeled the bulk of bison hides from the southern plains into commercial leather production and led American hunters to exploit buffalo herds more exhaustively than ever before.[81]

Coupled with the changes in leather processing were other mid-nineteenth-century technological developments that added to the buffalo hunters' destructive capacity. Professional hunters found Civil War weaponry well suited to their purposes. Rifling of gun barrels, a wartime innovation, made for higher accuracy at longer ranges, which made rifles very attractive to buffalo hunters.[82] Jim Cator's father was fascinated by his son's new gun purchase in 1874: "What is the news of the Rifle you have is it one of those that load in the stock & you can fire so many shots without taking it down from your shoulder[?]" Cator was impressed that his son was able "to kill three at a shot with it."[83] With the 1871 invention of the Sharps "Big 50"—a powerful rifle designed for buffalo killing that could fire long distances accurately—hunters added an even more deadly tool to their arsenals. The accuracy, range, and power of rifling meant that there was less chance of spooking prey and greater opportunity to kill many animals at a time. These guns allowed professional buffalo hunters to "make a stand," firing from one position to kill many bison. A stand could only happen, though, if the beasts did not stampede. Sharpshooters approached herds quietly, often crawling to get within range. "Sometimes we would have to crawl for half a mile," recalled buffalo hunter P. C. Wellborn, "unless we could get some object between them and us, like a clump of cactus." Hunters that "understood the business," explained Wellborn, "picked out the leader and killed him." While the others milled around their fallen comrade, "the hunter kept shooting." If individuals started to wander off, the hunter once again found the lead animal and shot it dead, "which caused the herd to stop again."[84] The killing shots had to be made precisely—a clean shot through the lungs that caused the buffalo to sink to the ground, bleed profusely, and die quietly. Done correctly, a successful stand could net a skilled hunter like Tom Nixon, for example, more than one hundred buffalo in a short time's work.[85]

Perhaps no other post–Civil War technological change was more important to the bison's occupancy of the western plains than the railroad. The transcontinental railroad, completed in 1869, cut through the heart of buffalo country and split the plains bison population in two, thus creating a northern and southern herd. As new western transportation arteries extended into the southern plains, the buffalo range became further constricted and

segmented. Less than two years before the battle at Adobe Walls, the Atchison, Topeka, and Santa Fe railroad reached the vicinity of Dodge City. Railroad corporations fed their construction crews with buffalo meat procured by company-employed hunters, such as Masterson and "Buffalo Bill" Cody. The contract Cody secured with the Kansas Pacific in 1867 required him to kill twelve buffalo per day to feed railroad workers. By the end of his career with the railway, Cody claimed he had dispatched some 4,280 buffalo in Kansas.[86]

Once completed, the railroads brought thousands of new hunters directly into the buffalo's range. The western end of the Atchison, Topeka, and Santa Fe, reported the *Saline County Journal,* was inundated in 1872 with hundreds of thousands of the animals, who blocked the passage of the trains. Engulfed in this living mass, passengers could fire directly from the train car windows into the herd. The practice was so commonplace that as early as 1867 *Harper's Weekly* observed that nearly every Kansas Pacific train leaving Fort Hays had "its race with these herds of buffalo." Trains slowed to match the pace of the animals, while passengers removed the "fire-arms which are provided for the defense of the train against the Indians and open[ed] from the windows and platforms of the cars a fire that resembles a brisk skirmish." Ladies frequently joined in the sport, the magazine asserted, with the "excited Dianas" claiming "all the game as the result of their prowess with the rifle."[87] A special hunt on the Kansas Pacific, organized in 1868 for St. Louis railroad officials, saw the inexperienced hunters fumbling for their guns when the first herd was sighted thirty miles west of Fort Hays. So eager were they to get their first shots that they "discharged their weapons here and there at random," narrowly missing each other in their haste. Some leapt to the roof of the train car and fired ineffectually with their pocket revolvers at the retreating herd. The fusillade from the train killed some buffalo outright, but most of the would-be hunters found that "the buffalo never gives up until he is dead." Many bison "after having run the gauntlet of a dozen repeating rifles," reported the *Chicago Tribune*'s special correspondent, "galloped miles over the plain and fell lifeless too far distant for the slayer to secure his trophy." Others, their legs broken by bullets, "ran off at great speed, sticking the mutilated stump into the soil with every step."[88] Hunts like these became a feature of western railroads, with eastern and foreign tourists willing to spend money on such sport.[89] The resulting carnage drew the ire of critics and animal protectionists. In 1872, Gen. William Hazen protested the practice in a letter written to Henry



The Far West—shooting buffalo on the line of the Kansas-Pacific Railroad. From *Frank Leslie's Illustrated Newspaper,* June 3, 1871. Photo courtesy of the Library of Congress Prints and Photograph Division.

Bergh, the founder of the American Society for the Prevention of Cruelty to Animals. The "extraordinary introduction of railroads into and across the wilds of our country has made the vast herds of wild buffalo of the plains accessible to all classes of people," he complained, "and each year vast numbers are slaughtered for so-called sport."[90]

Hazen's condemnations were not reserved for the tourists and sportsmen alone. He extended his charges to include the professional hide hunters who, in one season, killed "1000 each for the paltry sum of one dollar apiece."[91] Railroads promoted this commercial slaughter, too. As Charles Goodnight recollected, "the Buffalo hunting proper didn't begin until about 1870, till after the Kansas-Pacific Railway was built."[92] Bison disappeared first along the railway routes that provided easy access to the herds and easy transportation for their hides. When the Santa Fe railroad reached western Kansas in 1872, the railhead at Buffalo City—later renamed Dodge City—materialized as the central depot for collecting and shipping bison hides and meat eastward. Hide dealers Charles Rath, Robert Wright, and A. C. Myers handled much of the trade. Other Dodge City merchants, such as

Fred Zimmerman, advertised as outfitters for the buffalo camps. Railroad construction in Kansas barely kept pace with the hunters who flooded the surrounding valleys, bringing into Dodge over "fourteen hundred buffalo hides and saddles" on one November day in 1872.[93]

Lt. Col. Richard Irving Dodge (Washington Irving's nephew) was struck by how swiftly the faunal landscape had changed. Where there had once been "myriads of buffalo," there were now "myriads of carcasses." The plains around Fort Dodge in 1873 had been turned into "a dead, solitary, putrid desert."[94] The same year, the *Emporia News* reported that the northwestern part of Barbour County, Kansas, was "infested with a terrible stench from buffalo carcasses."[95] From Dodge City came word that the buffalo had left the region, along with "the army of hunters." Merchants, outfitters, and saloons were likewise pulling up stakes to move west with the buffalo trade. The rail stop of "Sargent will be the next 'red hot' town of the A., T., & S.F. Railroad, to give way to Lyon or some other place," newspapers predicted.[96]

By 1873, the railroads and an expanded hide trade had conspired to make Kansas buffalo scarce, and buffalo hunters began to look farther afield for new herds to exploit. Many aimed their attentions south of the Arkansas River at what was considered "the best Buffalo country between the Dominion of Canada and the Rio Grande."[97] Dixon spent much of 1873 on a circuit that took him through southwestern Kansas, Colorado, Texas, and into western Indian Territory, looking for herds sizeable enough to make hunting worthwhile. Dixon and his partner, Jack Callahan, led their outfit south of the Arkansas River for the first time that autumn, looking for "new hunting grounds." They stayed for less than two weeks, yet, as the buffalo "had begun to come in by the thousands," the team was able to make a big killing. Shuttling their spoils in several trips back to Dodge City, they "were lucky enough to strike a good market," getting between $2.50 and $4.00 apiece for their hides. It was, Dixon recalled, "the highest price we ever received."[98]

The results of that hunt convinced Dixon that the hunting around Dodge City was finished. Many had given up the trade altogether, but the remaining hunters who convened in Dodge in March 1874 agreed that they "would have to drift further south to make buffalo-hunting a paying business."[99] Dixon, Mooar, John Webb and others who had scouted the Texas Panhandle the previous year, gave glowing reports of the region's possibilities. When hide merchant A. C. Myers heard the plans, he agreed to set up shop near the South Canadian River in the center of that rich buffalo range. Myers worked out a deal with the hunters to carry his store's merchandise south.

Once freighted to the new site, the hide dealer would sell to hunters at Dodge City prices. The math looked good to the many buffalo hunters who eagerly signed on to the expedition to Adobe Walls. Perhaps this season they would "make buffalo-hunting a paying business."[100]

Buffalo paid, but not well. Dry hide prices peaked in the early 1870s, when the innovations in leather tanning allowed them to be substituted for more expensive cowhides. But the immediate rush of hide hunters into the field, the relative abundance of buffalo, and the ease of transportation meant that the market was glutted almost from the start. The three main Leavenworth, Kansas, hide dealers agreed early on to form a pool to stabilize prices, and, according to an 1890 trade journal, they drew up a document that was "beyond a doubt the actual death warrant of the American bison."[101] Merchants required hunters to outfit themselves and charged them exorbitant prices to do so. Paying for supplies, ammunition, and freighters, hide hunters were often left with little to no profit. Prices dropped throughout the 1870s, from an average of $3.50 for bull hides in the early 1870s (hence Dixon's excitement over the $4.00 per hide he obtained in 1873) to $2.00 by 1874. Cow and calf hides brought even less.[102] In January 1875, Charles Rath and Company paid only $1.75 for each of Jim Cator's forty bull hides.[103] The seemingly unprofitable trade led Cator's father to wonder if his sons, Jim and Arthur (Bob), had chosen the right line of work. "How would it be," he wrote in September 1874, "if you started to farm cattle and sheep. Wool is always a good price." Again in October he prodded his sons with the sheep-raising idea and continued his refrain the following January, writing, "It will be a happy day when I can hear you are settled down and turned cattle and sheep farmers. Sheep must pay."[104]

Viewing the market from afar and seeing the dismal bison hide prices, the elder Cator wondered about his two sons' persistence in a business that promised so little reward. He had sent Jim and Bob to the United States in 1871 believing they would have more opportunities in the American West than they would at home in England. When they found themselves unable to make a go of it as Kansas farmers, the young Englishmen entered the hide trade. For the two brothers, and many other market hunters in the southern plains, the appeal of buffalo hunting was the seemingly boundless wild-animal wealth that was free to all takers. "I had seen," Dixon insisted, "that big money could be made by a good hunter." Convinced that the buffalo still roamed the Staked Plains in numbers, commercial hunters decided to seek out that long-promised animal abundance.[105]

Before they left, Mooar recalled that the hunters held a "council of war."[106] The men knew there were risks to moving their operations below the "dead line," as the Arkansas River was called. Knowing that their "undertaking was not without peril to life," the group at Dodge City sought first to gauge the government's reaction to their plans.[107] According to Mooar, he and another hunter, Steel Frazier, were selected to approach the region's military commander to report their intentions. After being peppered with questions from Lieutenant Colonel Dodge, Mooar directly asked what the government's response would be if the buffalo hunters crossed into Texas. Dodge reportedly replied like a true hide man: "Boys, if I were a buffalo hunter, I would hunt where the buffalo are."[108] Reassured that the military would not stand in their way, the buffalo hunters began to assemble a large party to head south of the "dead line," hoping that numbers and guns would guarantee their safety. From the buffalo hunters' point of view, so long as they remained willing to go "where the buffalo [were]," the potential for profit was limitless. That was exactly why the American buffalo hunters descended upon the Texas Panhandle in the summer of 1874.[109]

Isatai'i's War

The buffalo hunters had little reason to assume that the Indians who claimed the hunting grounds south of the Arkansas River would view their actions as anything less than an invasion. Even before the battle at the Adobe Walls outpost, Comanche, Kiowa, and Cheyenne Indians had attacked outlying buffalo-hunter camps. Surveyors returning from Adobe Walls had come across the bodies of two hunters earlier in June 1874 and reported the incident to officials at Camp Supply. "The movement against the Buffalo hunters," wrote Deputy US Marshal E. C. Lefebvre on June 14, "seemed to have been well planned."[110] More attacks followed. Just days before the Adobe Walls incident, Joe Plummer found the bodies of his partners, Dave Dudley and Tommy Wallace, at their camp on Chicken Creek. The men had been scalped and horribly mutilated. One was pinned to the ground with a wooden stake through his stomach. Shortly afterward, reports came in of another strike on the Salt Fork of the Red River. Indians killed John "Cheyenne Jack" Jones and a German man nicknamed "Blue Billy." The raiders destroyed the camp and ran off all the livestock. As word spread of the killings, the buffalo hunters "agreed that a blind man could see that it was entirely too risky to stay in camp with Indians all around."[111] So they hightailed it back to Adobe Walls and waited for what many believed to be an inevitable confrontation.[112]

Given the violence that had already occurred, few of the hunters could have been entirely shocked by the Indians' assault on Adobe Walls a few days later. Still, they may have been surprised by its ferocity and the coordination of the hundreds of Indians who threw themselves at the hunters' compound. Led by the Kwahada Comanche medicine man Isatai and a young war chief named Quanah Parker, the combined Indian forces deployed military tactics and choreographed their charges to cavalry bugle calls. Isatai had promised his followers that his powerful magic would stop bullets and raise the dead. As the young prophet watched from a hilltop, his Comanche, Kiowa, and Cheyenne warriors fought the opening salvos of a war to save the buffalo from white hunters. Rather than a hit-and-run raid or an isolated skirmish, the battle at Adobe Walls was one piece in a broad pattern of unified Indian resistance and signaled a wider Indian uprising.[113]

At first, American officials did not want to believe it, and they met some of the earliest accounts of violence on the southern plains with skepticism. General Pope dismissed the stories of "outrages" on the Kansas border in late June, the *Chicago Tribune* reported, as being the work of "designing white men who expect to receive Springfield rifles and ammunition at the expense of the State to outfit themselves for Buffalo hunting." The depredations were likely instigated by "thieves disguised as Indians."[114] A letter to a Topeka, Kansas, paper claimed that the recent "troubles" were likely caused by "some lawless bands for the purpose of plunder" or for "a money making scheme."[115] Even those who conceded that these were indeed Indian attacks argued that the violence would be short-lived and limited. The *Commonwealth* reported "the Indian scare over" on June 26, the day before the Adobe Walls battle.[116] John Miles, at the Cheyenne and Arapaho agency, interpreted the mid-June Indian raids on Medicine Lodge, Kansas, and the murder of a man between Fort Dodge and Camp Supply as evidence that "our Indians are on the warpath." Still, he believed that they would "confine their raids principally upon the Buffalo Hunters."[117] Newspapers initially claimed there was no "concerted action amongst the Indians to carry on a general raid," and the Kansas governor's military staff insisted that the Indians posed no danger to settlements and threatened only "detached parties and hunters."[118]

As more accounts of violent confrontations began streaming into frontier settlements, however, residents could not so easily dismiss the danger. Panic escalated as frequent and widespread Indian attacks on remote farms, surveying parties, and wagon trains—as well as the coordinated attacks on buffalo hunters' camps—seemed to point toward the start of a general Indian

war. Incomplete information about the ongoing standoff at Adobe Walls began to trickle into towns by early July, causing commentators to wonder if "the bloodthirsty Cheyennes and Kiowas" had yet "closed in upon [the buffalo hunters] and butchered them without mercy."[119] Other stories were equally troubling. In eastern Colorado, a man went out for wood and was killed with his own axe, his body "riddled with bullets and his head horribly gashed."[120] On the Chisholm Trail, two hundred Indians fell upon a wagon train and lashed one driver to a wagon wheel before burning him alive.[121] Texas newspapers relayed information from Indian Territory that the Comanche and Cheyenne Indians were "on the warpath," intending to raid Texas settlements.[122] On July 10, thirty Indians reportedly attacked J. C. Loving's ranch west of Jacksboro, Texas, killing one man and making off with several horses. These depredations, newspapers in Kansas and Texas asserted, were "but a prologue to a merciless war of extermination which has been long threatening."[123] The *Leavenworth Times* reported that the Indian uprising had stopped westward emigration and forced those on remote claims to "pull up stakes" and move into towns for their safety.[124] The news that a boy had been scalped at Sun City, Kansas, led the *Commonwealth* to declare that if the citizens could have "General Pope down there a few days they could easily disabuse his mind in regard to the depredations being committed by horse-thieves, disguised as Indians."[125]

American settlers on the southern plains frontier insisted that "this Indian business" required someone in authority to bring a "sufficient force to cope with the copper-colored cut-throats" and to wage war "until the last Indian bites the dust."[126] The Cator brothers heard similar sentiments from their father, who was following the course of the uprising from England. Even before he learned of the Adobe Walls attack, he worried about his sons there. "On looking at my chart of America," he wrote in July 1874, "I was afraid you were getting into close quarters with one of the worst tribes of Indians[,] the 'Comanches.' They are a blood thirsty set." Hearing news of the Adobe Walls battle some time later, the father was relieved his sons had so far escaped harm, though the boys' mother pleaded with them to "leave off hunting amongst those horrid 'Indians.'" Anxious about his sons' safety, John Cator recommended that the government stop "pandering" to the Indians and take a tough stance. "The Yankees will now have to put them down with a strong hand," he wrote in September, "and disown the whole race of them. Shoot all Mexicans found trading arms or powder to the savages."[127]

By mid-July, after a disastrous confrontation between Texas Rangers and Kiowa and Comanche warriors at Lost Valley, federal officials realized they indeed faced a general Indian uprising. Gen. Philip Sheridan immediately requested permission to use the cavalry "for offensive operations against the Indians," advocating "an offensive policy as more effective and economical than a defensive one." General Sherman agreed, and, in a July 17 telegram to Sheridan, he prodded the commander to order the Sixth and Tenth Cavalry to Fort Sill, in order to "prevent the Indians from turning south toward Texas." Sheridan testily replied that he had asked the recalcitrant General Pope for that very thing, but Pope was "taken with the idea of defense," Sheridan complained, "and does not see the absurdity of using cavalry in that way." The War Department concurred with Sheridan's views and ordered a full-scale military response. Col. Nelson Miles organized a force at Fort Dodge and took the field in early August. With that, the buffalo hunters' fight became the Red River War.[128]

That the buffalo hunters were a flash point in the conflict was not in dispute. Indians and Americans alike asserted that white buffalo hunters struck at the base of native life on the southern plains. Although Secretary of the Interior Columbus Delano suggested in 1873 that he "would not seriously regret the total disappearance of the buffalo from our western prairies," he strenuously objected to "the encroachments of whites upon the reservations set apart for the exclusive occupancy of the Indian." In his view, trespasses by white buffalo hunters had to be prevented for the sake of peace on the plains.[129] Dohásän, a Kiowa chief, complained that "the white man passing through our country, killing and driving away our buffalo" threatened women and children with starvation.[130] *Harper's Weekly* made a similar observation in late 1874, connecting Indian wars directly to commercial buffalo hunting. "Deprived of one of their chief means of subsistence through the agency of white men," the magazine opined, "the tribes naturally take revenge."[131] Even Jim and Bob Cator's father conceded that Native Americans' resistance was "only to be expected" as they watched "the white man take their possessions from them which they have nearly done."[132]

But the bison's role in the conflicts of the late 1860s and 1870s was more than economic; it was also political. Treaties concluded in the years after the Civil War conditioned the Plains Indians' right of occupancy on bison occupancy. In essence, the buffalo became a party to the treaties and a player in US-Indian policy. The politics of bison was founded on two different assumptions about the buffalo's continued existence in the southern plains.

Americans had long believed in the buffalo's natural extinction as the inevitable outcome of colonization. Many southern Plains Indians insisted just as strongly on the bison's natural persistence or, as Isatai predicted, on the animal's inevitable return.[133] They believed, one nineteenth-century observer reported, that "the buffalo were produced in countless numbers in a country under the ground," to later emerge from openings "situated somewhere in the great 'Llano Estacado' or Staked Plain of Texas."[134] The conflicts of the 1870s that culminated in the Red River War confirmed that both those assumptions were wrong.

At the close of the Civil War, the federal government turned its attention back to the western plains. The distractions and dislocations of the war had opened a space in which Indians could maneuver, and on the far southern plains, confederated Comanche and Kiowa acted to push back the American invasion. They sought to reassert a largely Comanche-dominated political economy that had operated in the region since the mid-eighteenth century.[135] Meanwhile, settlers on the southern plains spent the war years struggling to retain their tenuous grip on the American colonizing frontier. Indian livestock raids and kidnappings forced colonists to fall back from their outlying claims and "fort up" for defense. Frontier militias embarked on increasingly punitive assaults on Indian villages and camps, indiscriminately killing men, women, and children. Tensions between Native Americans and white settlers on the southern plains seemed ready to explode in a violent war of extermination.[136]

Reviving the American colonizing project in this unstable environment was a formidable task. A federal peace commission, dispatched in 1867 to negotiate new treaties with plains tribes, aimed to end the hostilities. An earlier round of treaty making in 1865 was undermined by US military forces that ignored treaty obligations and harassed Indians for real and imagined offenses. On the southern plains, Maj. Gen. Winfield Scott Hancock interpreted any sign of Indian resistance as a provocation, and he refused to issue the arms and ammunition promised to the tribes under the Little Arkansas Treaty of 1865. He unleashed his troops to pursue Indians, destroy their stock, and burn their villages.[137] Hancock's aggressive actions, peace commissioners protested in an 1868 report, had cast all southern plains tribes into the role of "outlaws." Their investigation of the charges against the "hostile" Indians proved that the Kiowa, Comanche, and Apache had largely complied with the terms of the 1865 treaty, while the government had failed to uphold its end of the bargain. Little wonder then that the

tribes were suspicious of any new negotiations, believing, as many did, that the United States was "resolved on their extermination."[138] The peace commissioners, however, successfully negotiated a new treaty with the Kiowa and Comanche on October 21, 1867. The Cheyenne and Arapaho tribes concluded a similar treaty a week later.[139]

The terms of the Medicine Lodge Treaty of 1867 required the Comanche and Kiowa to surrender their claims to lands in the Arkansas–Red River basin that had been previously "set apart for the absolute and undisturbed use and occupation of the tribes" in the Little Arkansas Treaty. The new agreement assigned to them a significantly smaller reservation of about 5,500 square miles in the western Leased District of Indian Territory near the Wichita Mountains. In exchange for the concessions, the tribes received promises of annuity goods and protection from white encroachments on their reservation lands.[140] Relinquishing "all right to occupy permanently the territory outside of their reservation," the Kiowa and Comanche retained their "right to hunt on any lands south of the Arkansas River, so long as the buffalo may range thereon in such numbers as to justify the chase." The same right to hunt buffalo south of the Arkansas River was later guaranteed to the Cheyenne and Arapaho tribes in their treaty.[141] The buffalo thus became bargaining chips in the peace commissioners' agreement with the southern plains tribes.

The specific reference to buffalo in the 1867 Medicine Lodge treaties stands as somewhat of an anomaly in nineteenth-century US Indian policy. Of course, treaties as far back as the late eighteenth century had reserved lands for Indians to "live and hunt on."[142] But the Medicine Lodge Treaty (along with the 1868 Fort Laramie Treaty with the northern plains tribes) was unusual in how it selectively defined Indians' possession claims. First, the treaty separated the right of permanent occupancy of circumscribed reservation lands in the Indian Territory from the right to hunt over a much larger area south of the Arkansas River. Second, the treaty tied the duration of the hunting right to an ill-defined quantity of a single wild species: "buffalo . . . in such numbers as to justify the chase."[143] American and Indian parties to the Medicine Lodge Treaty came away from the councils of 1867 with very different understandings of the extent and significance of those rights. From the Americans' point of view, the tribes' stronger claims were to the reservation lands they had been assigned as their permanent home. The privileges granted to them to use their old hunting grounds were temporary and due to expire with the buffalo, whose extinction was immi-

nent. From the perspective of the highly mobile, buffalo-hunting tribes, however, the right of permanent occupancy was of secondary importance to the claims on their bison hunting grounds. This idea was summarized, somewhat patronizingly, in the peace commission's final report:

> The appeal of these old Indians is irresistible. They say, "We know nothing about agriculture. We have lived on game from infancy. We love the chase. Here are the wide plains over which the vast herds of buffalo roam. In the spring they pass from south to north, and in the fall return, traversing thousands of miles. Where they go you have no settlements; and if you had, there is room enough for both. Why limit us to certain boundaries beyond which we shall not follow the game? If you want lands for settlement come and settle them. We will not disturb you. *You* may farm and *we* will hunt. *You* love the one, *we* love the other."[144]

The peace commissioners had caught a glimpse of a crucial misunderstanding at the close of their 1867 councils but failed to appreciate its implications. To the southern plains tribes, the federal government's recognition of their right to hunt on Texas and New Mexico lands was tantamount to an acknowledgment of their territorial sovereignty—a sovereignty as enduring as the buffalo.[145]

Initially, though, it seemed the 1867 agreements would change little. Congress wrangled over ratification of the Medicine Lodge Treaty and continued to dispatch the military to punish intractable southern plains tribes. Most of the Comanche and Kiowa refused to stay on their reservations as they carried on their raiding in Texas, New Mexico, and Indian Territory. In 1869, however, newly elected president Ulysses S. Grant changed the direction of Indian policy. Convinced by eastern humanitarians that the nation's "Indian troubles" were caused by an overbearing military and a corrupt Bureau of Indian Affairs, Grant agreed to establish a Board of Indian Commissioners. Administration of the Indian agencies would be turned over to Protestant missionaries who would Christianize and civilize the "wilder tribes."[146] The Society of Friends nominated Lawrie Tatum, an Iowa Quaker, to oversee the Kiowa and Comanche Agency at Fort Sill, Indian Territory. Tatum, unaware that he had been selected, learned of his appointment and Senate confirmation from the newspaper. Though he had little knowledge of "the duties and responsibilities devolving on an Indian agent," he agreed to take on the task. He saw his main duty as "the industrial, moral, and religious education" of the "Kiowas and Comanches, who

were wild, blanket Indians, and the Wichita and affiliated bands, who were partially civilized." Tatum assumed leadership of the agency in July 1869, taking over the post held by Brevet Maj. Gen. W. B. Hazen and Albert G. Boone, the grandson of Daniel Boone.[147]

Upon his arrival at Fort Sill, Tatum was immediately schooled by his charges in the politics of US-Indian relations on the southern plains. Raiding remained a way of life for many Indians there, though it had taken on new importance as a negotiating tool for annuity goods and rations. The Kiowa and Comanche told a bewildered Tatum that if they went "out onto the warpath," killed people, stole horses, and took captives, "then the Government would give them large amounts of calico, muslin, etc., to get them to quit!" One chief informed Tatum that if the government "did not want his young men to raid in Texas, then Washington must move Texas far away, where his young men could not find it." Raiding paid political dividends, and the Kiowa and Comanche only had to look as far as the Wichita Indians—who had not fought the white settlers and yet had not received compensation for their stolen lands—to see the efficacy of resistance.[148]

From the start, Tatum adopted what he considered to be a hard line against Kiowa and Comanche raiding and captive taking. The newly appointed agent withheld government rations as punishment for Indians who went off the reservation to commit depredations. Tatum held back ammunition and insisted that stolen livestock be returned before issuing annuity goods. He also demanded the release of captives taken by the tribes and refused to pay the ransom they expected as their due. Tatum called his plan "new and experimental" and was pleased with its results.[149] He was convinced that he had effected the release of all the captives held by the reservation Indians and had impressed upon them the futility of carrying out raids and murders.[150] Of course, Indian marauding did not cease, as was shown by Tatum's own accounting of depredation claims and captives taken.[151] Still, he was convinced that the raids on Texas settlers and others were mainly committed by Apache and Cheyenne warriors or the off-reservation Kwahada Comanche, who offered "a place of retreat for lawless and disaffected Indians." Over these people, Tatum wrote, he had no jurisdiction or control.[152]

Tatum quickly realized that buffalo played an important role in the government's relations with the southern plains tribes, and he was convinced that ensuring Kiowa and Comanche access to the animals would help to ease the Indians' transition to reservation life. Tatum routinely permitted

"his Indians" to be absent from the reservation for weeks or months at a time to go buffalo hunting. "While the buffalo was near," the agent wrote Superintendent Enoch Hoag in 1870, "I not only gave permission but encouraged them to go & obtain as many robes as they could to trade for clothing, as this is their only recourse for procuring a supply, beyond the small amount furnished by the Government." Tatum defended his decision by quoting the provisions of the Medicine Lodge Treaty that reserved the tribes' right to hunt buffalo south of the Arkansas River.[153] Tatum also tried to utilize the Indians' bison hunting to supplement the often-scanty rations issued to the tribes. He sought permission to sell beef rations when the Indians had plenty of buffalo in order to supplement the coffee and sugar that were in short supply. This would "keep them quiet," Tatum assured his superiors. Depriving the Indians of their bison would only increase their depredations, and the Iowa Quaker trusted that while his charges were pursuing the buffalo, they were too busy to engage in livestock raiding.[154]

Tatum's superiors were not so sure. The commissioner of Indian Affairs, Ely S. Parker, wrote to Tatum and Hoag in 1870 "in regard to the Indians reported as being 'off the reservation with the permission of the Agent.'" Parker insisted that earlier instructions from his office demanding that Indians be kept on their reservations were "designed particularly to apply to the Kiowa, Comanche and other Indians in your agency" who were raiding in Texas.[155] In October of 1873, Commissioner Edward Smith issued to the agents another circular letter requiring that all Indians be confined within the limits of their reservations in order to protect white settlements from attacks. Tatum, for his part, felt the harsh restrictions undermined his efforts. "The Commissioners dispatch," he wrote, "was received by my people as a declaration of war."[156]

Settlers on the southern plains, however, pressed for such draconian measures against Native Americans. As they saw it, the federal government's "Peace Policy" had allowed Indians to cause havoc on the frontier. Buffalo hunting, many argued, provided cover for raiding Indians who killed, destroyed, and murdered while ostensibly out on their annual hunts. Buffalo hunting easily mutated into livestock raiding, especially when there were fewer bison to be found. Others insisted that Indians killed buffalo in preparation for their raids on white settlements, drying loads of meat to sustain them while they carried out their depredations. Returning periodically to their protected reservations, Indians could draw rations for support until the next raid. Frontier folk also blamed the federal government and its

humanitarian-minded civilian agents for shackling military commanders with regulations that prevented the army from pursuing Indians onto reservations. By the early 1870s, most Americans on the southern frontier had written off the agencies as sources of authority on Indian matters.[157] The *Dallas Herald* excoriated President Grant for his position in 1873, writing that "the Kiowas and Comanches would be delighted to get up a buffalo hunt for the delectation of their great father," if only "a few helpless women and children could be induced to volunteer for the purpose."[158] From the settlers' perspective, the buffalo and the government's Indian policy worked hand-in-hand to support Indian autonomy on the southern plains rather than the Americans' colonizing project.

To some extent, the Kiowa and Comanche shared this point of view. Despite suffering violence, theft, and coercion at the hands of American colonists, frontier militias, and the federal government, the southern plains tribes had been able to use federal Indian policies to their advantage. The Comanche and Kiowa peoples had been able to sustain a political economy rooted in buffalo hunting, livestock raiding, and trading, just as they had since the eighteenth century. As American colonization brought changes to the plains, Indians adapted in a variety of ways to broaden their economic base and retain their political independence. An influx of traders with transportation links to eastern markets offered new economic outlets. American settlers, often unwillingly, provided additional economic resources in the form of domestic livestock roaming on unprotected rangelands. Texas cattle were a particularly favored target. Post–Civil War treaties promised Indians another source of economic goods: government annuities and rations. The reservations established in those same treaties provided winter shelter and legal protection for the Kwahada and other bands that moved out onto the open plains for the rest of the time to hunt, raid, and trade.[159]

Yet the plains bison remained the linchpin of this new, mid-nineteenth-century political reality. This was evident in the calculated decision made by Comanche, Kiowa, and Cheyenne warriors to aim the opening salvos of the Red River War at the white buffalo hunters in the Texas Panhandle—a territory over which the southern plains tribes and the Americans asserted different and competing possession claims. The federal government used the free-roaming bison as a political pawn, a negotiating tool employed to gain Indians' submission to American authority. The buffalo's eventual extinction was a key to that submission. American officials believed that by the time the plains bison disappeared, Indians would have accommo-

dated themselves to their status as colonized subjects. For the southern plains tribes, however, the buffalo functioned as an instrument of political power. The Indians believed that the bison's persistence ensured that power and insisted that even the American soldiers "were not enough to hold them back."[160] Isatai tapped into that belief to unify and motivate his followers. Access to the eternal buffalo perpetuated Comanche, Kiowa, Cheyenne, and Arapaho traditions and ensured their independence from the colonizers' control. It was not until Isatai's magic failed at Adobe Walls that the warring Indians began to question that conviction.[161]

As President Grant's post–Civil War Peace Policy disintegrated on the plains, increasingly strident calls for the containment of the "wild Indian" and the "wild buffalo" arose in its place. Almost immediately after the attack on the Adobe Walls outpost, frontier settlers and the frontier army alike demanded that the reservations be thrown open to retaliatory attacks. The *Kansas Chief* reported that a party had left Medicine Lodge, Kansas, for Indian Territory in early July "on a little expedition for scalps." The white men would develop, the newspaper predicted, "a great deal of ignorance of boundary lines when approaching the Territory, and will not even be retarded by the sanctity of reservations."[162] Texas governor Richard Coke similarly characterized the reservations as sanctuaries for hostile bands and called for an end to the tribes' access to buffalo. "Just as long as Indians are granted hunting [privileges]," he wrote in September 1874, "they will kill the people and plunder the frontier. *They should be kept in the reserves,* and not allowed to leave under any pretext."[163] A chorus of western state and territorial officials and military authorities demanded that Indian affairs be put under the control of the War Department and that the army be freed "to follow the marauding Indians on their reservation."[164] In response, the Secretary of War quickly issued orders allowing the army to "pursue and punish Indians wherever found," even within the limits of their reservations.[165]

By the end of the dry, hot summer of 1874, the US Army had begun to move decisively against the off-reservation Comanche, Kiowa, and Cheyenne. "Friendly" Indians were registered and confined to their reservations while five military columns converged on the Red River country from forts in Kansas, Indian Territory, New Mexico, and Texas.[166] Roughly three thousand soldiers and an assorted collection of buffalo-hunters-turned-scouts pursued and harassed the resisting Indians in a number of skirmishes across the Texas Panhandle. Major battles occurred at Buffalo Wallow, Sweetwater Creek, Palo Duro Canyon, and the Red River. Able to field an overwhelming

force, the Americans claimed most of the victories. Critics interpreted the army's successes as a repudiation of the Peace Policy. Here was proof that the Indians' occupation of plains could only be terminated by force. The Comanche prophet Isatai had retired from the field in disgrace. Over the fall and winter months of 1874–75, Indians on and off the reservation saw their remaining economic and political power evaporate along with the buffalo as the Americans imposed a restrictive colonial order on the southern plains frontier.[167]

The Buffalo's War

From the buffalo's point of view, the Buffalo Hunters' War was unwinnable. Caught between destructive forces, the southern plains bison's population plummeted in the 1870s to only a few hundred at the decade's end.[168] The most visible of these destructive forces was the hide hunter, whose invasions, in part, provoked the Red River War. Frontier settlers also contributed to the decline, not only by hunting the animals but also by introducing domestic livestock to compete for the buffalo's forage. Thomas Battey, a Quaker missionary and schoolteacher for the Kiowa tribe, noticed the faunal change on the plains in the early 1870s. On a trip between Fort Sill and Wichita, Battey counted 28,000 head of Texas cattle and no buffalo.[169] The military, too, harvested their share of bison, as the Kiowa woman Old Lady Horse remembered: "The white men built forts in the Kiowa country, and the woolly-headed buffalo soldiers shot the buffalo as fast as they could." It was, she insisted, "a war between the buffalo and the white men."[170]

But it was not just the American hide hunters and colonizers who acted as destructive forces. The Indians extensively exploited the plains bison as their primary wild resource. Even before the advent of the commercial bison-leather trade, Indians in the southern plains had hunted the animals for meat and robes. Their integration into broader colonial market economies in the late eighteenth century only increased their harvests. The late eighteenth-century transition to equestrian buffalo hunting and horse trading by southern plains tribes, especially the Comanche, positioned Indians' livestock herds as competitors for the bison's range. Intertribal cooperation in the nineteenth century opened rich hunting fields, like those south of the Arkansas River, that had previously served as buffer zones between hunting territories and as refuges for bison. Later treaty agreements that encouraged tribes to share their hunting grounds also increased pressure on the animals. In all, the bison's ecology had been profoundly altered by the Indians'

economic choices decades before the white buffalo hunters invaded the southern plains.[171]

Destructive forces came in nonhuman forms as well. "Next to the Indians," wrote one nineteenth-century observer, wolves were "the great scourge of the buffalo."[172] Domestic livestock brought to the southern plains by Indians and Euro-Americans devastated forage and challenged the bison's supremacy on its home ranges. Introduced livestock diseases took their toll as well. The volatile plains climate itself worked to diminish herd sizes, as drought, fires, and floods ravaged the buffalo's pastures even when they did not kill individual animals outright. By the mid-nineteenth century, a complex combination of nonhuman and human factors had conspired to produce a "bison crisis" on the southern plains.[173]

Bison were not without their own defenses, however, and they could adapt to the challenges presented by the southern plains environment. The buffalo's widely roaming habits allowed it to withstand the grasslands' pronounced environmental fluctuations. Bison migrations were erratic, as herds wandered aimlessly until they found suitable pastures. Most of the year, buffalo organized themselves into smaller groupings, thus reducing the grazing pressure on any single area. A gregarious social structure provided calves with protection from predators. Cows, calves, and young bulls ranged together, while adult males congregated in groups of five to fifteen. Only in the summer rutting season, when bulls fiercely battled one another, did they come to form the large herds human observers found so remarkable. The buffalo's character—highly mobile, unpredictable, independent yet hierarchical, competitive and still capable of communal action—allowed it to occupy the marginal lands in the southern plains.[174]

Bison habits, in turn, shaped the behaviors of the hunters who pursued them. For most of the year, Comanche and allied Kiowa and Kiowa-Apache Indians traveled in smaller bands in a perpetual search for bison and suitable pastures for their large herds of horses. White buffalo hunters followed a similar pattern, breaking into small camps of "young bulls," to follow the buffalo. Both groups ranged widely, migrating erratically across the southern plains and ignoring the boundary lines that demarcated human possession claims. Both groups aggressively asserted their freedom and autonomy. Highly mobile, unpredictable, independent yet hierarchical, competitive and still capable of coordinated action, the Indian and American buffalo hunters contributed equally to the disorder that culminated in the Red River War.[175]

The uprisings stretched into late 1874 and early 1875, as the cavalry pursued the Indians across drought-stricken tablelands and into their winter camps. In late August, Colonel Miles's command, which included the Adobe Walls buffalo-hunter veterans Dixon and Masterson, engaged about four hundred Cheyenne Indians at the Prairie Dog Fork of the Red River. Here the infantry unlimbered its two Gatling guns.[176] Demonstrating the accuracy of the powerful weapon, Lt. J. W. Pope fired at a mounted warrior from long range. Spectators watched as "the shell entered the pony and exploded, and blew both animal and rider into fragments."[177] The Cheyenne fled, burning their camps and abandoning their wounded horses, camp utensils, and dried buffalo meat in their hasty retreat. Though the battle's outcome was inconclusive, Miles believed he had achieved his objective: depriving the Indians of supplies and horses. "When grass can be had for their ponies and buffaloes are plenty," commented one observer of the campaign, "the savages roam at will in this section." Indian warriors "could not be whipped when mounted."[178] When Col. Ranald S. Mackenzie's column routed several Cheyenne camps located in the Palo Duro Canyon area in late September, he ordered the Indians' provisions destroyed and more than 1,400 ponies shot.[179]

Faced with the prospect of winter on the plains without food or horses and harassed at all points by a vengeful army, the resisters began drifting into the Indian agencies to surrender by early October. In late January 1875, the Kiowa chief Big Bow gave himself up to James Haworth (who had taken over as head of the Kiowa and Comanche Agency in 1873 after Tatum resigned in disgust) and reported that many Kiowa, Kwahada Comanche, and Cheyenne "were anxious to have peace on some terms."[180] Throughout the winter months, the military conducted minor operations as starving and demoralized groups of Indians trickled into the reservations. An Austin, Texas, newspaper reported in early April that part of the Kwahada Comanche, a tribe "perfectly wild and one of the most troublesome in the Southwest," had surrendered at Fort Sill and that the rest were likely to follow.[181] On June 2, 1875, the final holdouts—four hundred men, women, and children of the Kwahada band—came in to Fort Sill. Led by Quanah Parker, the young chief who orchestrated the initial attack on the buffalo hunters at Adobe Walls, they surrendered their guns and nearly two thousand horses and ended the Red River War.[182]

The leaders of the uprising were confined in the Fort Sill guardhouse and icehouse until officers selected seventy-two Indians to be imprisoned, with-

out trial, at Fort Marion, Florida: nine Comanche, twenty-two Kiowa, twenty-seven Cheyenne, two Arapaho, and one Caddo. By the time the prisoner contingent arrived at Fort Marion, US soldiers had shot and killed Black Horse (Cheyenne) and Gray Beard (Cheyenne) in escape attempts. Another prisoner, Lean Bear (Cheyenne), was mortally wounded in a failed suicide. Mamanti (Kiowa) died of pneumonia shortly after reaching Florida. The Kiowa chief Santanta, who was imprisoned in Huntsville, Texas, flung himself from a second-story balcony in October 1878. The remainder of the southern plains tribes were confined to their reservations in western Indian Territory and allowed to leave only with the permission and supervision of American authorities.[183] The annual buffalo hunts went on in the fall of 1875, but the Indians were accompanied to the Staked Plains by cavalry escorts. The Kiowa and Comanche, wrote one white observer, were "not allowed to be absent a day," except at times when a party was released with government transportation to bring dried buffalo meat back to the tribe. The end of the Buffalo Hunters' War saw the southern plains Indians reduced to an "utter and complete state of subjection."[184]

The buffalo's war, though, was not over quite yet. The summer and fall skirmishes of 1874 did little to slow the hide hunters' destruction. Though some buffalo hunters, such as Dixon, Plummer, and Masterson, spent part of the Red River War as military scouts, most of the market hunters who flooded the Texas Panhandle's rich bison-hunting grounds in 1873 and 1874 remained on the prairies, harvesting the last of the southern herd. The Cator brothers continued to hunt as the Indian war went on around them, although they did take precautions to go out in larger parties for defense.[185] Once the "Indian troubles" were mostly over, the killing went on with renewed vigor as more men took up the business.[186] By 1877 and 1878 there were some ten thousand sharpshooters in the Panhandle alone, according to Goodnight.[187] Indians' buffalo hunts continued as well. The Wichita Agency reported that the Indians there had "great success" in November 1876 and had taken five thousand robes to be traded. But these were merely the final death throes of a doomed business.[188] Buffalo hunter Frank Collinson recalled that in 1876, after being turned away from the northern plains due to the Great Sioux War, he came back to Texas to find that "the cattle were coming in." There were "next to no buffalo." At Adobe Walls in 1878, Collinson and his partner killed all of a small herd of two hundred buffalo but found only cattle ranging in the area thereafter. They "decided the hunt was over," and Collinson's partner went to Las Vegas, New Mexico, to hunt deer

for the construction camps on the Atchison, Topeka, and Santa Fe railroad line.[189] At the Indian agencies, they were reaching similar conclusions about the buffalo's fate. Agent Haworth reported that the Kiowa and Comanche had little success and predicted that 1878 would "be almost the end of the Buffalo business."[190]

To be sure, some championed the buffalo's cause, casting themselves as the animal's allies in a contest against the rapacious hide hunters and wasteful sportsmen. Arizona representative R. C. McCormick introduced a congressional bill in 1871 to restrict the sport hunting of bison, though it was never signed into law. Another, more restrictive bison protection bill was put forward in 1874, but the measure died in committee.[191] Idaho, Wyoming, and Montana all passed early, but limited, protection laws, while Kansas and Texas legislatures debated similar measures.[192] Humanitarians and anticruelty advocates railed against the "wanton slaughter" being perpetrated in the vast western grasslands and called for the preservation of "these noble animals."[193]

The many westerners who had actively participated in the violent process of American colonization on the southern plains, however, were less sentimental about the buffalo's demise. They watched, without regret, as the southern herd was virtually exterminated by the end of the 1870s. At the Kiowa, Comanche, and Wichita Agency, P. B. Hunt opined that the failure of the Indians' winter buffalo hunt in 1879 would have a "good effect." Seeing that "buffalo-hunting is not a thing of profit as it once was," Hunt argued in his annual report, the Indians would "abandon their idea of subsisting in this way."[194] Ten years later, only twenty-five wild buffalo remained in the southern plains herd.[195] The old hide hunters defended their role in the buffalo's extermination, insisting that "the only possible way to redeem this western country was to kill the buffalo off of it."[196] Wild buffalo threatened domestic livestock production on the plains by competing for forage, destroying crops, and damaging fences. The bison's annual migrations also carried away range cattle, they argued.[197] The hide men claimed as well the lion's share of the credit for crushing Indian resistance on the southern plains. "If it had not been for the work of the buffalo hunters," declared Mooar in 1933, "the wild bison would graze where Amarillo now is, and the red man would still reign supreme over the pampas of the Panhandle of Texas."[198]

The Prophecy Fulfilled

In 1916, Charles Goodnight hosted a buffalo hunt for several Kiowa Indians at his cattle ranch in the Texas Panhandle. Although planned for the Indians'

entertainment, news of the event excited local interest. On the day of the hunt, three thousand automobiles full of curious spectators descended upon the JA Ranch to watch "the wonderful sight" that only the oldest of frontier dwellers, such as Goodnight, had ever witnessed firsthand. A single buffalo, drawn from Goodnight's private herd of semidomesticated bison, was released into a pasture surrounded by cars. It was chased by mounted Kiowa men, who killed the creature with their bows and arrows. A bison barbeque followed. The spectacle was so well received that Goodnight's attorney and friend, J. L. Lackey, suggested the rancher recreate the scene and capture it on film. After some initial reluctance, Goodnight conceded that the idea had "historical as well as commercial value" and agreed to underwrite the project.[199] A film crew from Denver came out the following December to record another Kiowa buffalo hunt staged on Goodnight's ranch with Goodnight as producer and his buffalo as co-stars.[200]

Though Lackey and Goodnight were disappointed in the finished version, they nevertheless premiered the film in Denver at the cattlemen's convention. The silent movie, titled *Old Texas,* traced Goodnight's personal saga in the Panhandle: his arrival in Texas in 1845, his life as an Indian scout, his ranch in the Palo Duro Canyon region, and his efforts to capture buffalo calves in order to "perpetuate the race in America."[201] The highlight of the film was the Kiowa buffalo hunt, showing the mounted hunters chasing twenty or thirty bison into a draw. In the hunt's final stage, six Indians surrounded a single buffalo, standing motionless against a rocky bluff while circling hunters fired multiple arrows. The ultimate "death shot," remarkably delivered by Old Horse from a distant cliff, rolled the animal to its side in its final "surrender." Though the buffalo's end was dramatic, Goodnight saved another surrender for the film's closing scene. The movie's final caption quoted a "Kiowa Legend" that warned: "When the Buffalo shall perish off the face of the earth, then the Kiowa's sun is set." A momentary shot of a peaceful bison herd grazing on empty grasslands followed. Two horseback-mounted Indians trotted into the frame, and the bison ran off toward the distant horizon. As the words "The prophecy fulfilled" appeared on the screen, the scene faded to black.[202]

Goodnight's film sounded a note of inevitability about the intertwined fates of the buffalo and the Indian, a note familiar to American audiences in the early twentieth century. But another, different narrative about the colonization of the West had not yet faded. Five years earlier, in 1909, the Kwahada Comanche chief Quanah Parker, of Adobe Walls fame, had written to

the Texas legislature asking for "a free permit for me and my special friends to hunt in your state." Parker reassured Texas officials that only ten Kiowa, four Apaches, and ten Comanche would attend the fall hunt and that the men and women chosen were "good looking Indians with good clothes" and of impeccable character. "I am a Texas man myself," he wrote.[203] S. B. Burnett, who had agreed to let the group hunt buffalo in his pasture, added his support to Parker's request, though he conceded that "some of the members might seriously object to having the whole tribe of Indians turned loose in Texas as free hunters."[204] Their assurances suggest that at least some Texans still remembered that the colonization of the southern plains was not a peaceful process of inevitable evolution. Extinguishing Indian occupancy had been accomplished by force and violence.

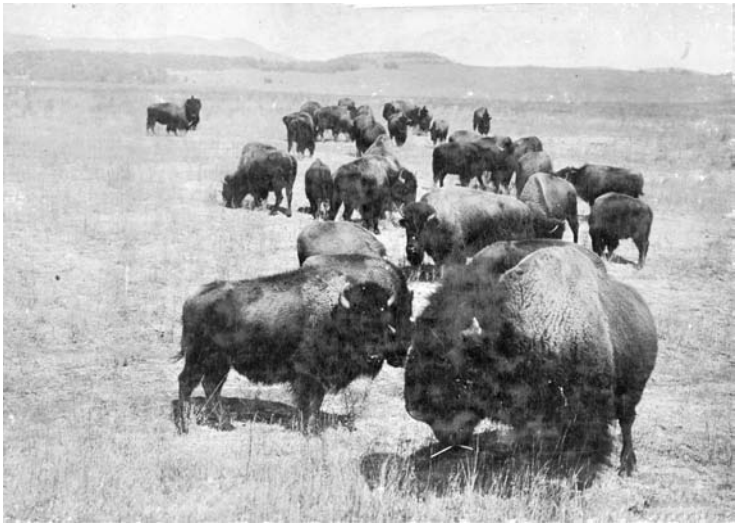
Although colonizers agreed that American possession required termination of native occupancy of the Great Plains, there was less of a consensus about what that meant for the plains bison. Most agreed, however, that their fates were connected in some way. Indeed, no other American animal was so closely linked to the human occupants of the land. Nineteenth-century discussions about the buffalo's extinction intersected at crucial points with the ongoing narrative of Indian removal. From the colonizers' perspective, the wild buffalo and "the wild tribes" both supported disorder on the plains, but the buffalo could be reformed. At the end of the nineteenth century, many Americans believed the bison could be turned into a collaborator in the colonial project.

The Buffalo Hunter's War made it clear that so long as the buffalo roamed, so too would the people who pursued them. That mobility interfered with a rational ordering of the West. For the southern plains tribes who had organized their societies around the bison, access to the animals, even as bison populations declined, was the key to maintaining their political independence. For American settlers, frontier soldiers, white buffalo hunters, and elite sportsmen, free access to wild-animal abundance was the promise that propelled American colonizing into the unfamiliar environment of the Great Plains. Hence, while the extermination of the bison might serve to undercut Native Americans' political independence, it would at the same time undermine American environmental independence—the freedom to exploit American animal wealth. This was the quandary that colonizers faced.

The buffalo's story did not have an obvious or preordained ending, despite all the predictions. By the end of the nineteenth century, though, it seemed the inevitable extinction version had come to pass. In the southern

plains only a few stragglers belonging to the once great bison herds remained. Ranchers such as Goodnight and Charles "Buffalo" Jones had preserved a few specimens, interbred some with Texas cattle, and created their own private herds of domesticated bison and "catalo" crosses.[205] The southern plains Indians, too, seemed "domesticated," at least to turn-of-the-century white observers. Confined to their reservations near the Wichita Mountains, the Comanche, Kiowa, and Plains Apache found themselves under pressure after the 1887 Dawes Severalty Act and the 1889 Springer Amendment gave the president authority to negotiate land cessions in western Indian Territory. Parker, along with other Comanche and Kiowa leaders, acquiesced in 1892, ceding the tribes' remaining 2.5 million acres to the federal government for 2 million dollars. Although charges of fraud were later leveled by the dispossessed Indians, with one ending up at the Supreme Court in 1901, the cessions went through, and the Indians of the southern plains were forced onto individually owned allotments.[206]

The rest of the Kiowa-Comanche-Apache reservation was opened to a flood of miners and homesteaders—"boomers" in the parlance of the



Bison on the Reserve—also called buffalo. Photograph by Frank Rush of reintroduced bison at the Wichita Mountains National Wildlife Refuge in 1913. The refuge was established on former Kiowa-Comanche reservation lands. Photo courtesy of the Records of the Forest Service. National Archives.

day—except for one parcel of 59,000 acres, reserved by President William McKinley in 1901 as the Wichita Forest Reserve. In 1907, the renamed Wichita Forest and Game Preserve cooperated with the New York Zoological Society to bring fifteen bison to the fenced-in reserve, making it the first big-game refuge in the nation. Parker was on hand to greet the animals as they reoccupied the lands his tribe had only recently relinquished. The American Bison Society was instrumental in the restoration project and used the refuge's success to press for the creation of a national bison range in Montana in 1908. The bison thus reintroduced to the plains in the early twentieth century, along with the remnant herd first protected at Yellowstone National Park in 1872, occupied an in-between position: not domesticated but not fully free to roam. Tame buffalo would not have done the trick since it was the countless *wild* buffalo that originally marked the vast wasteland in the center of the nation as something valuable and uniquely American. A new form of colonizing in the United States contained the wild buffalo within boundaries—some physical, some legal—that separated their wildness from the possessed land around them. This, then, was the ultimate realization of English colonizers' plan for bringing a rational order to the New World, an order that required the colonization of both people and animals.[207]

Epilogue

Rewilding the Wild

"The extermination of the buffalo has been a veritable tragedy of the animal world," wrote a young Theodore Roosevelt in his first book on frontier life. In *Hunting Trips of a Ranchman* (1885), written after spending only some scattered months in the Badlands, Roosevelt lamented the loss of the "lordly buffalo" but accepted the inevitability of the creature's passing. He maintained that bison were partially responsible for their own decline, since their "gregarious habits simply rendered them certain to seen" by horse-mounted and rifle-toting hunters. Echoing a common late nineteenth-century refrain, Roosevelt went on to assert that the buffalo's removal from the prairies was not only inevitable but necessary as a precursor to "the advance of white civilization in the West." In addition to occupying valuable grasslands that could be used more profitably for cattle, the bison's continued existence supported the "savage mode of life" that kept Plains Indians off western reservations. "The extermination of the buffalo," concluded the future conservationist, "was the only way of solving the Indian question." It was the only way to possess and colonize those western lands.[1]

Roosevelt's foray into the world of nature writing elicited a lukewarm review from the premiere sportsmen's periodical of the time, *Forest and Stream*. Although the magazine deemed the prose "very attractive," with stories told in a "simple, pleasant fashion," the book was marred by "a number of hunting myths presented as fact." Some inaccurate animal illustrations, including a rendering of a female elk that looked more like "a hydrocephalous dwarf," detracted further from the work's overall "charm." These mistakes were to be expected, opined editor George Bird Grinnell, given that Roosevelt's "limited experience" left him unable to "sift the wheat from the chaff and distinguish the true from the false" in matters concerning the

western wilds.[2] Smarting from the public critique, the budding naturalist writer confronted Grinnell in his New York office. Once there, he was schooled by the older, more experienced outdoorsman-editor in modern environmental realities. Roosevelt left the meeting not only with a new friend and like-minded ally but also with the conviction that America's remaining wild creatures needed legal protection.[3] By the time he published *The Wilderness Hunter* in 1893, Roosevelt had come to champion a national program of wildlife conservation, writing that it was "necessary to establish, under the control of the State, great national forest reserves, which shall also be breeding grounds and nurseries for wild game." These refuges should not be "large private game preserves, kept for the enjoyment of the very rich," he insisted, where animals would be individually possessed. American animals needed to remain free and unowned, for their wildness lent the American environment a distinctive "rugged and stalwart democracy" that had "no substitute in the old settled countries."[4]

As president, Roosevelt was in a position to make good on his conservation campaign. In 1903 he set aside Pelican Island in Florida as a wild-bird breeding ground, the first of more than fifty wildlife preserves he established over the course of his presidency.[5] Popular sentiment, reflected in newspapers and magazines, grew for government ownership of bison and other large animals. Grinnell's *Forest and Stream* pushed for western forest preserves to be transformed into game parks, "so that the buffalo may be left to themselves."[6] Within ten years, the federal government created the National Bison Range in Montana and the National Elk Refuge in Wyoming. Roosevelt renamed the Wichita Mountains Forest Reserve in 1905, designating it as the Wichita Game Preserve and dedicating it to "the protection of game animals and birds." By the time he left office in 1909, the "conservation president" had overseen the addition of over 2 million acres of public land to the national wildlife refuge system, national parks, national monuments, and national forest reserves.[7]

Roosevelt's far-reaching executive actions accelerated developments that had begun in the late nineteenth century. Yellowstone, created as the first national park in 1872, prohibited hunting in 1894. The rule was extended to Yosemite and other national parks in subsequent years, thus signaling that the national park system would be devoted to the preservation of "charismatic species" of animals, as well as to the preservation of dramatic landscapes.[8] State fish and game commissions began to appear in the late 1870s, and by 1900 seventeen states had such agencies.[9] An expanding corpus of

state game laws that set bag limits, closed seasons, and imposed other restrictions on hunting spread across the country. The 1896 Supreme Court case *Geer v. Connecticut* upheld these state-level rules governing wildlife use and clearly articulated individual states' proprietary interests in the wild creatures within their borders. The federal interest in wildlife outside of designated national lands was first expressed in the Lacey Act of 1900, which prohibited the interstate transport of animals killed in contravention of state game laws. With the legal ground already broken, activists and politicians were able to produce a flowering of wildlife legislation in the early twentieth century.[10]

Those laws made wild animals the property of the State (or the states), held for the people in common. An Anglo-American legal regime thus finally brought order to the faunal environment, at least in theory. Contained within boundaries both physical and discursive, indigenous creatures existed behind the fences that marked off game refuges such as the Wichita Mountains Preserve and inside the legal perimeters that surrounded parks, forests, and even the bodies of protected animals themselves. Across the twentieth century, wild animals became ever more contained and controlled—their habitats managed, their populations manipulated, and their movements tracked. Authorities codified Americans' access to native fauna, determining the conditions under which wild creatures could be captured and killed. These were rules written in the language of democratic access.[11] The nature writer Edwin Way Teale explained it this way in 1953: "The long fight to save wild beauty represents democracy at its best. It requires citizens to practice the hardest of virtues—self-restraint. Why cannot I take as many trout as I want from a stream? Why cannot I bring home from the woods a rare wildflower? Because if I do, everybody in this democracy should be able to do the same. My act will be multiplied endlessly. To provide protection for wildlife and wild beauty, everyone has to deny himself proportionately. Special privilege and conservation are ever at odds."[12] Modern conservation laws enforced such self-restraint by creating a place for American animals between free taking and exclusive rights. Lawmakers accorded wildlife legal status as public property and cast wildlife protection as regulation for the good of all.

Transformed into the legal category of "wildlife" and secured within the law's boundaries, indigenous creatures were finally fixed in the kind of rational order colonizers had desired from the start. This finale occurred only after hundreds of years because American animals had left their marks on colonization. Wild beasts had proved to be more than passive objects to be

extracted, exterminated, and commodified at a whim. Their actions—indeed their very presence—forced Anglo-American colonizers to rethink their approaches to possessing the land. It was this interaction of English colonizing with the distinctive American faunal environment that gave colonization in British North America its particular shape and chronology. The characteristics of English colonizing—its attention to emptying the land of its indigenous inhabitants, its concern with carving the landscape into bounded parcels to be exclusively possessed, its focus on a rationally ordered and controlled environment—were ill fitted to the wild-animal frontiers settlers encountered.[13] To possess the land, colonial authorities had to find ways to contain the mobility of the animals and their pursuers. Colonization's legalities had to account for wildness. As a result, wild creatures became legal actors and active participants in their own colonization.

That process appeared to be complete in the first half of the twentieth century. Wild animals seemed controlled, even tamed, by conservation's legal and bureaucratic structures.[14] Government-sponsored predator eradication programs employed civil-service hunters to wage war on wolves, coyotes, and wildcats in order to protect livestock. The results were so dramatic that the *Oregonian* would declare in a 1917 headline: "Federal Plan to Wipe Out Predatory Beasts Succeeds."[15] In the absence of predators, white-tailed deer populations began to rebound from a low of 350,000 animals in 1900 to around 6 million in 1948. Localized overpopulations of deer led to habitat destruction and starvation, prompting intensive state and federal management regimes to stabilize numbers at or below the land's carrying capacity.[16] In the middle of the century, wildlife management experts reintroduced beavers to eastern ranges from which they had absent since 1900.[17] Most of the bison on the plains were fenced in great pastures, some in wildlife refuges, and far more in private herds, raised much in the same way as the domestic cattle with which the majority of buffalo were interbred. At the turn of the twentieth century, only Yellowstone National Park contained a genetically pure bison herd, and it became the foundation herd for later restocking projects.[18] Antelope, deer, and even bears in national parks like Yellowstone acclimated to human visitors and lost their wariness. After a visit to the park in 1903, President Roosevelt declared that it was "a delightful thing to see the wild and timid creatures of the wilderness rendered so tame." The bears in the park had discovered "the garbage heaps at the hotels as their special sources of food supply," and the "semi-domesticated" beasts amused tourists with their begging. In the end, Roosevelt concluded that

BEARS AND TOURISTS

Bears and Tourists. Photo from Theodore Roosevelt's *Outdoor Pastimes of an American Hunter* (1905) showing how the black bears at Yellowstone's garbage dumps had become tourist attractions. Roosevelt scoffed at warnings from the park's management that "the bears were really wild animals."

the "wilderness reserves" were clearly serving their intended purposes, not necessarily as repositories of wildness, but as breeding grounds and nurseries for game animals and birds.[19]

Within this aura of control, the appeal of wildness persisted. While lawmakers, conservationists, sportsmen, nature writers, and others advocated plans of rational use and environmental management, they often did so with a sense of recapturing a uniquely American wildness that had been lost. American animals were the living embodiment of that wildness, just as they had been in the era of colonial promotion. "When I consider that the nobler animals have been exterminated here," lamented Henry David Thoreau in 1856, "I cannot but feel as if I lived in a tamed, and, as it were, emasculated country."[20] What was missing was the wealth of wild fauna offered to those settler societies of earlier days. The forest wildness John Muir hoped to preserve was "full of Nature's animals—elk, deer, wild sheep, bears, cats, and innumerable smaller people."[21] For Roosevelt, it was the "differences in plant life and animal life" that gave "the American wilderness a character distinctly its own." The "woodland animals" that had "no Old World representatives"

were the ones that "most vividly impressed themselves on the imagination of the hunters and pioneer settlers."[22] The colonial age of wild-animal abundance was thus a touchstone for early twentieth-century conservationists, like Roosevelt, who hoped to repopulate the American environment with at least the benign creatures—the deer, the beaver, the bison—that had animated colonizers' dreams.

Were wild animals, now contained and controlled, still wild, though? By the end of the twentieth century, the division between wild and tame that had been so clear to English colonizers seemed to be fading. The writers of the 1964 Wilderness Act attempted to reinscribe that line, defining the fundamental qualities of wild space as "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."[23] What was wild was that which was not human. Others disagreed. Wilderness, they maintained, was itself a cultural invention, a product of civilization, not its opposite.[24] The effort to extract people from nature—intimated in the ideological underpinnings of the Wilderness Act, deep ecology, and the Earth First! movement—was more than self-abnegating; it was a self-defeating and ultimately futile exercise. More troubling, argued historian William Cronon, was that real environmental problems and the responsibility for solving them had been subsumed in the fetishization of wilderness. Critics warned that by ignoring the historical construction of the ideal, wilderness proponents were likely to ignore those parts of the earth where human history had left more visible marks.[25]

Wilderness defenders quickly responded to the scholarly critiques, questioning the premises on which the critics built their cases while redefining the central terms of the developing "wilderness debate." Environmental activists refuted the claim that some elusive "pristine myth" of virgin, untouched land served as the foundational tenet for wilderness advocates. Wild nature and domesticated culture, they argued, are not two sides of a coin but rather ends of a continuum of more or less human manipulation. Wilderness, explained Earth First! cofounder Dave Foreman, "means land beyond human control" or, more evocatively, "self-willed land."[26] Distancing themselves from the cultural freighting of wilderness, some environmental scientists and activists turned to wildness as a way of signaling a more qualitative approach to the nonhuman world. Where *wilderness* denoted a place, property that is defined and fixed, *wildness* indicated a state of being, a relational quality of existence.[27] This shift in environmentalist thought from envisioning a fairly static wilderness to a more active wildness highlighted the role of animals

in defining wildlands. Simply put, it was much easier to attribute self-will, even agency, to animals than it was to envision land as having a will of its own.[28] The picture of a self-willed and uncontrollable wilderness became much clearer when painted with "wild beasts who don't cotton to being pushed around by puny hominids," as Foreman put it.[29]

In the early twenty-first century, the discussion in modern environmentalism has moved beyond a concern with the preservation of islands of wilderness to articulating a broader vision for restoring wildness on a large scale. Rewilding, as it is called, is an approach to environmental protection grounded in scientific arguments about biodiversity and the maintenance of healthy, self-regulating ecosystems. Its focus is on rebuilding fragmented land communities by establishing large habitat cores encompassing entire ecosystems. These habitat cores are linked by corridors for animal migration and dispersal, and regulated by keystone species—usually large, wide-ranging carnivores such as wolves.[30] Habitats are interconnected, and boundaries are permeable to account for these animals' biological and social requirements. Rewilding respects the mobility of wild creatures and also allows that mobility to define the shape and character of the areas preserved. It thus privileges indigenous animals' self-defined needs over human designs. In other words, rewilding makes a case not for controlling nature but rather for "allowing it to find its own way."[31]

For all its dispassionate scientific underpinnings, rewilding has a nostalgic ring to it. It presumes a past of wildness lost and predicts a future of wildness regained through enlightened human intervention. In the process, it elides wildness in the present. There is a kind of animal-willed wildness to be found still, if we look for it. The evidence is in the deer that browse suburban landscapes or lie dead along the roadside.[32] It is in the beavers that have multiplied to colonize habitats outside their historical ranges and in the wolves that stalk a solitary jogger on an Alaskan road.[33] It is in the buffalo that roam across national park boundaries to graze rangelands reserved for domestic cattle.[34] Indigenous animals continue to resist rationalized land-use regimes, and they still transgress the boundaries of possession. Wild beasts refuse to conform to all our rules and desires; we continue to make concessions to their wild natures.

Indigenous creatures have not shed their wildness; they have altered it. In the process, we have adjusted our expectations of wildness. These are not recent developments. Their origins cannot be isolated in the development of a specific intellectual movement or modern scientific paradigm. The changes

can only be understood by looking closely at the long and varied histories of colonial encounters with animals. In British North America, English colonizers, confronted with an exceptionally abundant and mostly benevolent faunal environment, believed they could bend those beasts ferae naturae to serve their needs. They believed they could enclose indigenous creatures inside a legal frame. On each new wild-animal frontier, however, colonizers had to compromise in some way with wildness. In the end, the colonization that triumphed, albeit imperfectly, over indigenous animals was one those animals helped to create.

So many histories of colonizing in British North America have been told as tales of wildness lost. Many more have been relayed as accounts of wildness conquered. But if we allow animals to be actors in our stories, quite different narratives emerge. One is a human history of wildness, but the other is an animal history of colonization. Both deserve our attention.

A list of abbreviations will be found in the bibliography.

Introduction

1. Thompson, *Whigs and Hunters,* 21–22.

2. State v. Campbell, 166–168.

3. Crèvecoeur, *Letters from an American Farmer,* 58–60, 66–70; Tocqueville, *Democracy in America,* 322–325; Frederick Jackson Turner, *The Frontier in American History,* 1–38.

4. For the uses of wild animals in British imperialism, see Ritvo, *Animal Estate,* 205–288.

5. Harriet Ritvo argues that a fundamental shift in attitudes toward animals circumscribed their legal roles in Victorian England. "Nineteenth-century English law viewed animals simply as the property of human owners," she writes. I contend that from the seventeenth century onward, the legal functions of wild animals in the American context expanded. See Ritvo, *Animal Estate,* 2–3.

6. Tomlins, "Many Legalities of Colonization," 9–10. On the effects of law on environment, see Nagle, *Law's Environment,* 5.

7. Works particularly focused on southern environmental history in the colonial era include Silver, *A New Face on the Countryside*; Cowdrey, *This Land, This South,* chaps. 1–3; Stewart, "*What Nature Suffers to Groe*"; Sutter and Manganiello, *Environmental History and the American South*; Davis, *Where There Are Mountains,* chaps. 1–5; and Rice, *Nature and History.* An overview of southern environmental historiography comes from Silver, "Learning to Live with Nature," 539–552.

8. In his seminal work, Samuel Hays has argued that conservation "was a scientific movement, and its role in history arises from the implications of science and technology in modern society." Hays, *Conservation and the Gospel of Efficiency,* 2. On the modern origins of conservation, see, also, Shabecoff, *A Fierce Green Fire,* 27, 54–58, 69. An important corrective comes from Grove, *Green Imperialism.*

9. Theodore Steinberg, *Down to Earth,* ix–x.

10. Early treatments of North American ocean fisheries and the fur trade include McFarlane, *A History of New England Fisheries*; Innis, *Fur Trade in Canada*; Innis, *Cod Fisheries*; Pearson, "Fish and Fisheries of Colonial Virginia"; George T. Hunt, *Wars of the Iroquois*; and Trelease, "Iroquois and the Western Fur Trade," 32–51.

11. Frederick Jackson Turner's *The Frontier in American History* remains the seminal work in this vein. Subsequent authors challenged Turner's frontier thesis but still assumed a strange and disorderly colonial wilderness as part of the colonial experience. See, e.g., Perry Miller, *Errand into the Wilderness,* and Boorstin, *The Americans*. On the wilderness influence in American thought, see Roderick Nash, *Wilderness and the American Mind*.

12. Historians making this argument directly include Calvin Martin, *Keepers of the Game,* 18–19, 154–155; and Richard White, *Roots of Dependency,* xv.

13. The key work here is Richard White, *Middle Ground,* xxv–xxvi.

14. Among these studies are, in particular, Cronon, *Changes in the Land*; and Crosby, *Columbian Exchange*. On European colonization in Africa and Asia, see MacKenzie, *Empire of Nature*.

15. On domestic animals, see, e.g., Virginia DeJohn Anderson, *Creatures of Empire*; Melville, *A Plague of Sheep*; and Crosby, *Ecological Imperialism,* chap. 8.

16. See, e.g., Isenberg, *Destruction of the Bison*; Harris, *Fish, Law, and Colonialism*; Coleman, *Vicious*; and Vickers, "Those Dammed Shad," 685–712.

17. On the animal turn, see Armstrong and Simmons, "Bestiary," 1–3; and Ritvo, "On the Animal Turn," 118–122. On animal actors as historical agents, see Jennifer Adams Martin, "When Sharks (Don't) Attack," 451–455; Fudge, "A Left-Handed Blow," 3–18; Ritvo, "Animal Planet," 204–206; and Dorothee Brantz, introduction to *Beastly Natures,* 1–6.

18. Tomlins, *Freedom Bound,* 133–134.

19. On indigenous legal claims, see the essays in Belmessous, *Native Claims*.

20. On animal history as a way of refocusing the historical discipline, see Fudge, "Milking Other Men's Beasts," 13–15, 27–28.

21. For a survey of recent work on animals and imperialism, see Skabelund, "Animals and Imperialism," 801–807. Such studies have tended to focus on the domination of animals as colonized subjects or on colonizers' use of animals as tools or symbols of empire. I stress instead wild animals' participation in colonization's legal processes.

22. On colonial animal abundance, see Nicholls, *Paradise Found,* 3–5, 111.

23. I use "wild-animal frontiers" to designate those locations where Anglo-American colonizers encountered relatively large populations of wild creatures and attempted to introduce a legal order to the preexisting faunal environment.

24. On the commodification of animals, see Richards, *World Hunt*; and Cronon, *Changes in the Land,* 82–107.

25. On boundaries and frontiers in European settler societies, see Russell, introduction to *Colonial Frontiers,* 1–3, 11–13. For a comparative approach to the environmental history of settler societies, see the essays in Griffiths, *Ecology and Empire*.

26. Cole, "New Forms of Private Property," 226–227.

27. On the importance of boundaries and the difficulty of applying them to elements of the natural world, see Theodore Steinberg, "God's Terminus," 65–68, 88–90.

28. Hämäläinen, *Comanche Empire,* 1–12.

29. Tober, *Who Owns the Wildlife?,* xvi–xviii; Dunlap, *Saving America's Wildlife,* 5–8.

30. On the modern transition from "wild beasts" to "wildlife," see Etienne Benson, "From Wild Lives," 418–422.

31. On animal subjectivity and agency, see Despret, "From Secret Agents to Interagency," 29–44. Tomlins suggested in a recent paper that studies of legal cases involving animals might "eventually help us find our way to the animals rather than just to the law." See Tomlins, "Animals Accurs'd," 52.

Chapter 1 • Creatures Serving for the Use of Man

1. Here and throughout, I have retained the original spelling and punctuation in all quotations but have silently made some minor spelling alterations for clarity. Haies, "Report," 12:330–337; Quinn, *Explorers and Colonies,* 214–219. For a discussion of the cultural significance of the English custom of taking "turf and twig," see Seed, *Ceremonies of Possession,* 1–2, 4.

2. Haies, "Report," 12:330–350; Quinn, *Explorers and Colonies,* 222; Fitzmaurice, *Humanism and America,* 43. Haies, like other English colonizers at the time, asserted that England had the "right unto these countreys of America from the cape of Florida Northward by the privilege of [John and Sebastian Cabot's] first discovery" in 1497. See Haies, "Report," 12:323–324; and MacMillian, *Sovereignty and Possession in the English New World,* 63–64, 66, 76–78.

3. Haies, "Report," 12:322–324, 341–343. Haies's animal depictions, though still generally empirical, are markedly different from his descriptions of other American environmental resources. On Haies's devotion to observable phenomena and his rejection of the fantastic in his writing, see Sell, *Rhetoric and Wonder,* 84–85, 114.

4. Haies, "Report," 12:342, 351–352; McManis, *European Impressions of the New England Coast,* 49–51.

5. Haies, "Report," 12:343.

6. Virginia DeJohn Anderson, *Creatures of Empire,* 62; Seed, *Ceremonies of Possession,* 3–7; Elliott, *Empires of the Atlantic World,* xiii–xiv, xvi–xvii.

7. Haies, "Report," 12:343. On the English view of wild animals as "God's gift to all men," see Keith Thomas, *Man and the Natural World,* 49.

8. Seed, *Ceremonies of Possession,* 18, 37–39; Tomlins, *Freedom Bound,* 133–134.

9. A similar dynamic operated in nineteenth-century Africa, though North America presented different environmental and historical contexts. According to MacKenzie, "Africa . . . had been conquered on the backs of its animals." See MacKenzie, "A Meditation on Environmental History," 2.

10. Columbus and Las Casas, *Personal Narrative,* 101–102, 107–108, 140.

11. Elliott, *Empires of the Atlantic World,* xiii–xiv, xvi–xvii.

12. On depictions of American nature as "instruments of possession," see Bleichmar, "Painting as Exploration," 65.

13. Verrazano, "To his Most Serene Majesty," *Sailors' Narratives,* 7.

14. Castañeda de Nájera, "Narrative," 383–384.

15. Benavides, *Memorial on New Mexico,* 54.

16. Marest, "Letter to Father de Lamberville," 66:115.

17. On the difficulty of verifying early accounts of animal abundance, see Whitney, *From Coastal Wilderness to Fruited Plain,* 299–301.

18. See, e.g., Hennepin, *New Discovery of a Vast Country,* 1:160; and Le Page du Pratz, *History of Louisiana,* 14.

19. Ogilvie, *The Science of Describing,* 5–7, 209–210; Parrish, *American Curiosity,* 25–27, 34–35; Parrish, "The Female Opossum," 513.

20. Cartier, "Shorte and Briefe Narration," 43.

21. Gentleman of Elvas, "Virginia Richly Valued," 13:552.

22. Castañeda de Nájera, "Narrative," 382–383.

23. Van der Donck, *Description of New Netherland,* 169.

24. Le Jeune, "Relation," 6:296–297, 307.

25. Parrish, *American Curiosity,* 15–16, 26–27, 118–119, 237–238, 245; Barrera-Osorio, *Experiencing Nature,* 1–2, 11–14.

26. Oviedo, *Natural History,* 49, 53, 111–114; Myers, *Fernández de Oviedo's Chronicle of America,* 1–2, 124–125.

27. On the particular characteristics of Spanish colonizing, see Elliott, *Empires of the Atlantic World,* 37–38; and Seed, *Ceremonies of Possession,* 70. On Spanish interest in fantastic animals, see Asúa and French, *New World of Animals,* 1–24.

28. Benavides, *Memorial on New Mexico,* 54.

29. See, e.g., Montoya, *New Mexico in 1602,* 55; Benavides, *Memorial on New Mexico,* 14.

30. American animals remained key subjects of interest to Iberian natural historians. See Asúa and French, *New World of Animals,* 231–235.

31. See, e.g., Le Jeune, "Relation," 6:211, 295–313; Denys, *Description and Natural History,* 426–434; Bacqueville de la Potherie, "Letters," 261–268; and Le Clercq, *New Relation of Gaspesia,* 120–122.

32. Marest, "Letter to Father de Lamberville," 66:115.

33. On patterns of French colonizing, see Seed, *Ceremonies of Possession,* 62; Sokolow, *Great Encounter,* 141; and Dolin, *Fur, Fortune, and Empire,* 108.

34. For characteristics of English colonizing, particularly fixity and "planting," see Elliott, *Empires of the Atlantic World,* 9, 42–43; Tomlins, *Freedom Bound,* 133–134; and Seed, *Ceremonies of Possession,* 18–19.

35. Elliott, *Empires of the Atlantic World,* 37. Here I depart from a number of scholarly interpretations that suggest that English colonizers arrived with a negative view of the American wilderness and wildness. See, e.g., Roderick Nash, *Wilderness and the American Mind,* 23–43; Marx, *The Machine in the Garden,* 41–42; Michael Williams, *Americans and Their Forests,* 10–12; and Silver, *New Face on the Countryside,* 189–193. For a corrective, see Jacobson, *Place and Belonging in America,* 47–54.

36. Clarke, *True and Faithful Account,* 12–13. See, also, Haies, "Report," 12:205; Lane, "Account," 13:303; and Harriot, *Briefe and True Report,* 19–21, 31.

37. Parkhurst, "A letter to M. Richard Hakluyt," 12:302.

38. Barlowe, "The first voyage made to the coasts of America," 13:284.

39. Sparke, "The Voyage made by M. John Hawkins Esquire," 126.

40. By the sixteenth century, clearances had reduced England's woodland cover to about 8 percent of the total land area. See Williamson, *Environmental History of Wildlife in England,* 20; and Lovegrove, *Silent Fields,* 3–4, 20–25.

41. Barlowe, "The first voyage made to the coasts of America," 13:284.

42. Sparke, "The Voyage made by M. John Hawkins Esquire," 127; Josselyn, *Account of Two Voyages to New-England,* 23.

43. Hortop, "The travailes of Job Hortop," 14:230.

44. Wood, *New-England's Prospect,* 21. On lions in New England, see, also, Higginson, *New Englands Plantation,* 8.

45. Josselyn, *Account of Two Voyages to New-England,* 50–51, 70.

46. Smith, *Generall Historie,* 1:50–51. See, also, Clarke, *True and Faithful Account,* 7.

47. Robert Johnson, *Nova Britannia,* 11.

48. Elliott, *Empires of the Atlantic World,* 26–27. On the language of commodities in colonial texts, see Cronon, *Changes in the Land,* 20–22, 161–168; Beinart and Coates, *Environment and History,* 20–21; Merchant, *Ecological Revolutions,* 29, 48, 52, 259–260; and Sweet, "Economy, Ecology, and *Utopia,*" 404–407.

49. Harriot, *Briefe and True Report,* 7–10. Civet cats are native to the Asian and African tropics. The African civet (*Civettictis civetta*) was historically the primary source for musk, harvested from anal scent glands and used in perfumes. What Harriot thought were civet cats were, in fact, skunks. Dugan, *Ephemeral History of Perfume,* 84.

50. Smith, *Generall Historie,* 1:60–61, 2:3.

51. Peckham, *True report,* 2:466.

52. Parkhurst, "A letter to M. Richard Hakluyt," 12:300, 304.

53. Brereton, *Briefe and True Relation,* 331–332.

54. Smith, *Description of New England,* 28–29; Wood, *New-England's Prospect,* 35–40.

55. Bradford, *Of Plymouth Plantation,* 39.

56. Barlowe, "The first voyage made to the coasts of America," 13:232; Brereton, *A Briefe and True Relation,* 9; Harriot, *Briefe and True Report,* 6–10.

57. Haies, "Treatise," 17.

58. Robert Johnson, *Nova Britannia,* 12.

59. *A True Declaration* (1610), 22. See, also, Robert Johnson, *The New Life of Virginea,* 9; C[astell], *Petition of W.C.,* 6.

60. Harriot, *Briefe and True Report,* 7–12.

61. Hortop, "The travailes of Job Hortop," 14:229.

62. Haies, "A Report of the Voyage," 187.

63. Harriot, *Briefe and True Report,* 21.

64. Robert Johnson, *Nova Britannia,* 11.

65. C[astell], *Petition of W.C.,* 6. On the ideal of "competency" in early modern English and colonial American economic culture, see Vickers, "Competency and Competition," 3–4, 12–18.

66. Virginia DeJohn Anderson, *Creatures of Empire,* 65; Clarke, *True and Faithful Account,* 12.

67. Harriot, *Briefe and True Report,* 19–21. "Saquenúckot & Maquówoc" most likely were names for raccoons, opossums, skunks, or muskrats. See Finegan, "English in North America," 384.

68. Wood, *New-England's Prospect,* 23.

69. Josselyn, *Account of Two Voyages to New-England,* 71, 73–74.

70. Lederer, "Discoveries of John Lederer," *First Explorations,* 168–169.

71. Lawson, *New Voyage to Carolina,* 134–135, 164.

72. J. Stoddard Johnson, *First Explorations of Kentucky,* 75, 133.

73. Bartram, *Travels,* 182.

74. Nobles, *American Frontiers,* 14–15.

75. Thwaites, *Original Journals of the Lewis and Clark Expedition,* 7:249.

76. Cutright, *Lewis and Clark,* 424–447.

77. There are descriptions of animal abundance too numerous to mention throughout the expedition's journals. See, e.g., William Clark's Journal, August 29, 1806; Meriwether Lewis's Journal, August 3, 1806; and Joseph Whitehouse's Journal, June 26, 1805, in *Original Journals of the Lewis and Clark Expedition,* 5:264, 233, 7:108, respectively.

78. Brackenridge, "Journal Up the Missouri, 1811," *Early Western Travels,* 6:63.

79. James, *James's Account of S. H. Long's Expedition,* 16:140. See, also, Ross, *Adventures of the First Settlers,* 7:22.

80. On the tendency of English colonizers to see the American environment narrowly in terms of discrete, merchantable commodities, see Cronon, *Changes in the Land,* 20–22. I diverge from that interpretation to argue that English commentators presented a much broader view of wild creatures that was not solely fixated on animals as marketable commodities.

81. Wither, "To His Friend, Captain John Smith," *Description of New England*. For English imagery of the "garden," see, Seed, *Ceremonies of Possession,* 25–27.

82. Smith, *Description of New England,* 55–56.

83. Ibid., 48–49, 57–58.

84. Conforti, *Imagining New England,* 14–15; Elliott, *Empires of the Atlantic World,* 34–35, 53–54.

85. For example, Thomas Harriot's sixteenth-century lists appeared verbatim in seventeenth-century promotional literature, and passages from William Wood's *New-England's Prospect* appeared in other colonial tracts. Horning, "The Power of Image," 385; Beinart and Coates, *Environment and History,* 22.

86. Wear, "The Prospective Colonist," 22.

87. Brereton, *Briefe and True Relation,* 332, 335; Spelman, "Relation of Virginia," *Travels and Works,* 1:cvi; *A True Declaration,* 13.

88. Wood, *New-England's Prospect,* 23; Higginson, *New-Englands Plantation,* 11–12.

89. Parkhurst, "A letter to M. Richard Hakluyt," 12:304.

90. Harriot, *Briefe and True Report,* 19–21.

91. Higginson, *New-Englands Plantation,* 12; Wood, *New-England's Prospect,* 49–52.

92. Wood, *New-England's Prospect,* 26–27.

93. Smith, *Description of New England,* 43.

94. Higginson, *New-England's Plantation,* 11; Wood, *New-England's Prospect,* 52. The Virginia Company actually prohibited negative accounts of the colony. See Wear, "The Prospective Colonist," 26–27.

95. Robert Johnson, *Nova Britannia,* 9; Brereton, *Briefe and True Relation,* 337; Wood, *New-England's Prospect,* 99.

96. Smith, *Description of New England,* 56–57.

97. Robert Johnson, *The New Life of Virginea,* 14; John Hammond, "Leah and Rachel," *Narratives of Early Maryland,* 10:291–292; Horne, "Brief Description of the Province of Carolina," *Narratives of Early Carolina,* 12:68.

98. Smith, *Description of New England,* 57–58.

99. Gabriel Thomas, *Historical and Geographical Account,* 13:321–322.

100. Lawson, *New Voyage to Carolina,* 80, 86; Brickell, *Natural History of North-Carolina,* 30–31, 110; Horning, "The Power of Image," 399. Brickell's 1737 account was largely plagiarized from Lawson's 1707 book. See Percy G. Adams, "John Lawson's Alter-Ego," 313–326.

101. Beverley, *History and Present State of Virginia,* 123.

102. Milligen-Johnston, *Short Description of the Province of South-Carolina,* 2:482; Filson, *Discovery,* 21. See, also, Toulmin, *Western Country in 1793,* 70.

103. Imlay, *Topographical Description,* 51; Verhoven, *Gilbert Imlay,* 93–122.

104. Cutler, *Explanation of the Map,* 16.

105. Descalves [pseud.], *Travels to the Westward,* 8–9.

106. Hart and Hulbert, *Southwestern Journals of Zebulon Pike,* 109, 137.

107. Ker, *Travels through the Western Interior,* 84–85, 112–113.

108. Gregg, *Gregg's Commerce of the Prairies,* 20:262; Schoolcraft, *Narrative Journal of Travels,* 280.

109. Henry, *Northern Wisconsin,* 174.

110. Lawson, *New Voyage to Carolina,* 80, 86.

111. Flint, *Recollections of the Last Ten Years,* 241–242.

112. Beinart and Coates, *Environment and History,* 23–24.

113. Flint, *Recollections of the Last Ten Years,* 241–242.

114. Crèvecoeur, *Letters from an American Farmer,* 66–67.

115. Lewis Brantz, "Memoranda of a Journey," 3:342.

116. For connections between environment and identity, see Parrish, *American Curiosity,* 20–21.

117. On the rationalization of space as an imperial project, see Benton, *Search for Sovereignty,* 1.

118. LaFreniere, *Decline of Nature,* 174–175; Williamson, *Environmental History of Wildlife in England,* 8–14; Lovegrove, *Silent Fields,* 26–29.

119. Manning, *Hunters and Poachers,* 194, 234; Munsche, *Gentlemen and Poachers,* 5. For European eradication of wolves, see Coleman, *Vicious,* 8. On English natural history, see Parrish, "Women's Nature," 198, 224, n. 2; Chaplin, "Mark Catesby, A Skeptical Newtonian in America," 34–35; and Brigham, "Mark Catesby and the Patronage of Natural History," 122–129.

120. Dunlap, *Nature and the English Diaspora,* 27–31, 35–40; Parrish, *American Curiosity,* 10.

121. Lawson, *New Voyage to Carolina,* iii.

122. Adolph Benson, *Peter Kalm's Travels,* 1:308–309, 375–376; Dunlap, *Nature and the English Diaspora,* 27–31, 35–40; Parrish, *American Curiosity,* 10.

123. Parrish, *American Curiosity,* 105–108, 128–135.

124. John Reinhold Forster maintained that French scientific investigation was "often handsomely pensioned by their great Monarque," while the English pursued such studies not for "mercenary" reasons but solely for the "pleasure it affords to a

thinking being." John Reinhold Forster in Adolph Benson, *Peter Kalm's Travels,* 1:376n1.

125. Michael Collinson to Cadwallader Colden, March 10, 1774; Peter Collinson to Cadwallader Colden, March 30, 1745, in Colden, *Letters and Papers,* 7:218, 7:112.

126. Parrish, "The Female Opossum," 475–514. On colonial women's contributions to natural history, see Parrish, "Women's Nature," 195–245; Parrish, *American Curiosity,* 174–214; and Bonta, *Women in the Field,* 1–8.

127. Belknap, *History of New Hampshire,* 3:146.

128. Barton, *Barton's Fragments,* v; Parrish, *American Curiosity,* 134.

129. Collinson to Colden, March 10, 1774, Colden, *Letters and Papers,* 7:218.

130. Milligen-Johnston, *Short Description of the Province of South-Carolina,* 2:482.

131. Benson, *Peter Kalm's Travels,* 1:153, 311.

132. Catesby, *Natural History of Carolina,* 2:xxv.

133. Belknap, *History of New Hampshire,* 3:150–151.

134. Toulmin, *Western Country in 1793,* 74.

135. Barton, *Barton's Fragments,* 24.

136. Bartlett, *Records of the Colony of Rhode Island,* 1:85; Hening, *Statutes at Large of Virginia,* 3:462–463; Trumbull and Hoadly, *Public Records of the Colony of Connecticut,* 4:248, 5:524; Massachusetts Bay (Colony), *Acts and Resolves,* 1:152–153, 355.

137. Hening, *Statutes at Large of Virginia,* 8:591–593; McIlwaine and Kennedy, *Journals,* 3:23, 85, 184, 200.

138. J. Stoddard Johnson, *First Explorations of Kentucky,* 37.

139. Thomas Dunlap argues, in contrast, that colonists remained largely unconcerned with destruction of animal populations, since "settlers saw wildlife, at best, as a transient resource." He cites as evidence a weak regulatory structure for animal preservation. See Dunlap, *Nature and the English Diaspora,* 50–51.

140. Crèvecoeur, *Letters from an American Farmer,* 67.

141. "The Remonstrance, 1767," in Hooker, *Carolina Backcountry,* 228; Nuttall, *Journal of Travels,* 13:58–59. See, also, Faux, *Faux's Memorable Days,* pt. 1, 11:203–204.

142. Hooker, *Carolina Backcountry,* 121.

143. "The Remonstrance, 1767," in Hooker, *Carolina Backcountry,* 228–229.

144. Gabriel Thomas, *Historical and Geographical Account,* 13:321–322.

145. Thomson, "Letter from America [1773]," 118–119.

146. Beinart and Coates, *Environment and History,* 27.

147. Tomlins, "Many Legalities of Colonization," 4; Beinart and Coates, *Environment and History,* 23–24.

148. Robert Montgomery, *Discourse,* 11; Oatis, *Colonial Complex,* 288.

Chapter 2 • No Bullets Would Pierce Beaver Skins

1. Rice, *Tales from a Revolution,* 32–35, 39–41; Cave, *Lethal Encounters,* 149–155; Webb, *1676,* 27–30, 36, 38–39; Beverley, *History and Present State of Virginia,* 70–72; M[athew], "The Beginning, Progress, and Conclusion of Bacon's Rebellion," 19–20.

2. "By the King. Proclamation For the Suppressing a Rebellion," 12:130.

3. Hening, *Statutes at Large of Virginia,* 2:341.

4. Bacon, "Declaration," August 3, 1676.

5. Bacon, "Manifesto," September [15?], 1676; Rice, *Tales from a Revolution,* 78–79.

6. Bacon, "Declaration," August 3, 1676.

7. Bacon, "Manifesto," September [15?], 1676.

8. M[athew], "The Beginning, Progress, and Conclusion of Bacon's Rebellion," 20.

9. On settler and extractive colonialisms, see Wolfe, "Settler Colonialism," 387–388; Sluyter, *Colonialism and Landscape,* 213.

10. On the fragmentary political control over expansive imperial territory, see Benton, *Search for Sovereignty,* 2–4.

11. Jennings, *Ambiguous Empire,* 61; Beinart and Hughes, *Environment and Empire,* 2.

12. Baker and Hill, "Beaver (*Castor canadensis*)," 288, 291–297; Naiman, Johnson, and Kelly, "Alteration of North American Streams by Beaver," 753; McClintic et al., "Movement Characteristics of American Beavers," 1260–1262.

13. Clarke, *True and Faithful Account,* 34; Wood, *New-England's Prospect,* 28.

14. Byrd and Ruffin, *Westover Manuscripts,* 83.

15. Beverley, *History and Present State of Virginia,* 256–257.

16. Le Clercq, *New Relation of Gaspesia,* 276–277. On French use of Indian beaver descriptions, see Sayre, *Les Sauvages Américains,* 226–228.

17. Brickell, *Natural History of North-Carolina,* 122.

18. Bacqueville de la Potherie, "Letters," 234.

19. Charlevoix, *Journal of Voyage,* 1:142.

20. Baker and Hill, "Beaver (*Castor canadensis*)," 292; Barrough, *Method of Physick,* 64; Willis, *London Practice of Physick,* 241; Tournefort, *Materia Medica,* 142; Hooper, *New Medical Dictionary,* 177.

21. Byrd and Ruffin, *Westover Manuscripts,* 83.

22. Wecker and Read, *Eighteen Books of the Secrets of Art & Nature,* 102; Pybus, "History of Aroma Chemistry and Perfume," 15.

23. Carlos and Lewis, *Commerce by a Frozen Sea,* 17–19.

24. Eurasian beavers had been hunted to extinction in most of Britain by the sixteenth century, and on the continent they dwindled to dangerously low numbers in the seventeenth century after the introduction of efficient steel traps and more accurate firearms. Horace Tassie Martin, *Castorologia,* 28–29; Batbold et al., *Castor fiber.*

25. Dechêne, *Habitants and Merchants,* 73.

26. Jacobs, *Colony of New Netherland,* 111; Venema, *Beverwijck,* 12.

27. Bradford, *History of Plymouth Plantation,* 2:172–173, 190.

28. Davies, *North Atlantic World,* 170; Bailyn, *New England Merchants,* 53–54; Richards, *World Hunt,* 9.

29. Brereton, *Briefe and True Relation,* 336–337.

30. Juet, "Third Voyage of Master Henry Hudson," 60.

31. C[astell], *Petition of W. C.,* 6.

32. Lescarbot, *Nova Francia,* 245.

33. Brereton, *Briefe and True Relation,* 339–340.

34. Van der Donck, *Description of New Netherland,* 221; Plantagenet, *Description of the Province of New Albion,* 4.

35. "Instructions to Andrew Percivall and Maurice Mathews from the Proprietors of Carolina."

36. Calvin Martin, *Keepers of the Game,* 64–65.

37. Wood, *New-England's Prospect,* 29.

38. Catesby, *Natural History of Carolina,* 2:xxx.

39. Lahontan, *New Voyages,* 2:481–485; Lescarbot, *Nova Francia,* 253–254.

40. Carlos and Lewis, *Commerce by a Frozen Sea,* 20–21.

41. Van der Donck, *Description of New Netherland,* 222.

42. Charlevoix, *Journal of a Voyage,* 1:145.

43. Richter, *Facing East from Indian Country,* 51–53.

44. Le Jeune, "Relation," 6:296–298.

45. Wood, *New-England's Prospect,* 69–70.

46. Charlevoix, *Journal of a Voyage,* 1:152.

47. Calvin Martin, *Keepers of the Game,* 61–65; Delge, *Bitter Feast,* 129–130.

48. Richard White, *Middle Ground,* 1–2, 23–25.

49. On seventeenth-century decline of beaver populations in coastal regions of New England, see Bernardos et al., "Wildlife Dynamics," 151–153.

50. Smith, *Description of New England,* 20.

51. Plantagenet, *Description of New Albion,* 9–10.

52. Innis, *Fur Trade in Canada,* 9–13; Richard White, *Middle Ground,* 25–33; Beinart and Hughes, *Environment and Empire,* 46–47; Podruchny, *Making the Voyageur World,* 21–22; Sayre, *Les Sauvages Américains,* 7–8; Sokolow, *Great Encounter,* 141–142; Pritchard, *In Search of Empire,* 78–80, 151.

53. LaSalle, "Account of Hennepin's Exploration," 365.

54. Stuyvesant, "Proposals," 3:164.

55. Clarke, *True and Faithful Account,* 43.

56. Dongan, "Report," 1:99–100.

57. Shurtleff, *Records of Massachusetts Bay,* 1:179, 196, 208.

58. Dongan, "Report," 1:98.

59. Richards, *Unending Frontier,* 464.

60. Sayre, *Les Sauvages Américains,* 7–8; Sokolow, *Great Encounter,* 141–142; Craven, "Indian Policy," 73–78.

61. Spelman, *Relation of Virginia,* 1:ci–cv, cxv–cxvii; Kupperman, *Indians and English,* 77, 115, 204–211; Kupperman, *Jamestown Project,* 235–267.

62. "Proceedings of the Virginia Assembly, 1619," 274–275.

63. Hale, *Pelts and Palisades,* 115; Kupperman, *Indians and English,* 204–211; Kupperman, *Jamestown Project,* 235–267.

64. "The Randolph Manuscript," 405.

65. A. J. Morrison, "Virginia Indian Trade," 220–222.

66. Kupperman, *Indians and English,* 210–211.

67. Fausz, "Present at the 'Creation,'" 9–10; Smith, *Generall Historie,* 1:313–314. Researchers have variously identified both tribes as involved in Spelman's death.

68. Francis Wyatt, quoted in A. J. Morrison, "Virginia Indian Trade," 222.

69. Kingsbury, *Records of the Virginia Company,* 3:19–20.

70. Tomlins, *Freedom Bound,* 134; Oberg, *Dominion and Civility,* 2–7.

71. *A True Declaration* (1610), 22. See, also, Harriot, *Briefe and True Report,* 6–10; and Smith, *Generall Historie,* 1:121.

72. Besides gold and silver, colonial promoters focused on a range of other merchantable commodities, rather than furs. See, e.g., lists of commodities in

Harriot, *Briefe and True Report,* 7–10; and "Instructions for such things as are to be sent from Virginia, [1610]."

73. Games, *Web of Empire,* 139–140.

74. Smith, *Travels and Works,* 2:451.

75. Fausz, "Abundance of Blood Shed on Both Sides," 46–50; Rountree, *Pocahontas' People,* 55–65; Fausz, "Merging and Emerging Worlds," 51.

76. Waterhouse, "Declaration," 3:551; Beverley, *History and Present State of Virginia,* 40.

77. Waterhouse, "Declaration," 3:550–551; Clarke, *True and Faithful Account,* 17.

78. Waterhouse, "Declaration," 3:557–558.

79. "Proceedings of the Virginia Assembly, 1619," 262, 264.

80. Waterhouse, "Declaration," 3:551, 557.

81. "A Proposition Concerning the Winning of the Forest."

82. John Martin, "Howe to Bringe the Indians into Subjection," 3:705.

83. "A Proposition Concerning the Winning of the Forest."

84. Governor of Virginia, "Commission to William Eden," 3:698.

85. Van Zandt, *Brothers Among Nations,* 126.

86. Hale, *Pelts and Palisades,* 117; Walsh, *Motives of Honor, Pleasure, and Profit,* 83.

87. Brenner, *Merchants and Revolution,* 120–121.

88. Fausz, "Present at the 'Creation,'" 9–10.

89. McCary, *Indians in Seventeenth-Century Virginia,* 74–75; A. J. Morrison, "Virginia Indian Trade," 222.

90. Van Zandt, *Brothers Among Nations,* 126; Fausz, "Merging and Emerging Worlds," 52–62; Hale, *Pelts and Palisades,* 65.

91. Fausz, "Merging and Emerging Worlds," 61; Fleet, "Brief Journal," 19–25.

92. Fleet, "Brief Journal," 25–35; Colpitts, *North America's Indian Trade,* 42–43; Pendergast, "Massawomeck," 14–17, 70–71; Maureen Myers, "From Refugees to Slave Traders," 86–89. The Algonquin Indians on the Potomac characterized the Massawomeck as cannibals. Many Iroquois groups were also identified as "man-eaters" by rival tribes and the Anglo-Virginians.

93. Fausz, "Merging and Emerging Worlds," 62; Hale, *Pelts and Palisades,* 120–123; Browne, *Archives of Maryland,* 5:159. Claiborne's license to trade was renewed in 1628 and 1631. See Browne, *Archives of Maryland,* 5:159–162.

94. April Lee Hatfield, *Atlantic Virginia,* 15.

95. Ibid.; Wallace, *Indians in Pennsylvania,* 12–13; Stephen Warren, *Worlds the Shawnees Made,* 136–139, 142.

96. Smith, *Travels and Works,* 1:53–54.

97. Hale, *Pelts and Palisades,* 119–120; Fausz, "Merging and Emerging Worlds," 59–60, 66.

98. "Claiborne's Petition," *Archives of Maryland,* 5:194.

99. Fausz, "Merging and Emerging Worlds," 59–63, 73. The Susquehannocks donated Palmer Island to Claiborne, demonstrating their support for the trader.

100. Hale, *Pelts and Palisades,* 130; Andrew White, *Relation,* 6.

101. Leonard Calvert to Sir Richard Lechford, May 30, 1634, quoted in A. J. Morrison, "Virginia Indian Trade," 224.

102. Walsh, *Motives of Honor, Pleasure, and Profit,* 70, 76–83.

103. Hale, *Pelts and Palisades,* 129–133; Fausz, "Merging and Emerging Worlds," 71.

104. "Claiborne's Petition," *Archives of Maryland,* 5:215.

105. Fausz, "Merging and Emerging Worlds," 73; Hale, *Pelts and Palisades,* 132–134; "Claiborne's Petition," *Archives of Maryland,* 5:232.

106. Fausz, "Merging and Emerging Worlds," 76–77; Wallace, *Indians in Pennsylvania,* 13, 102.

107. Fausz, "Merging and Emerging Worlds," 74.

108. Cornwaleys to Lord Baltimore, April 16, 1638, *Calvert Papers,* 1:177; Rice, *Nature and History,* 101.

109. Calvert to Lord Baltimore, April 25, 1638, *Calvert Papers,* 1:188.

110. Andrew White to Lord Baltimore, February 20, 1638, *Calvert Papers,* 1:208–211.

111. Calvert to Lord Baltimore, April 25, 1638, *Calvert Papers,* 1:190.

112. Brugger, *Maryland,* 13–14; "Claiborne's Petition," *Archives of Maryland,* 5:205.

113. Berkeley, *Discourse,* 6; "Claiborne's Petition," *Archives of Maryland,* 5:232.

114. Hening, *Statutes at Large of Virginia,* 1:525, 2:215. Prohibitions on the gun trade were enacted in 1633, 1643, 1658, and again in 1665. See Hening, *Statutes at Large of Virginia,* 1:129, 256, 441, 2:215. Other colonies similarly sought to restrict Native American access to European arms. See, e.g., Shurtleff, *Records of Massachusetts Bay,* 2:16, 3:208.

115. Berkeley, *Discourse,* 6.

116. Hinderaker and Mancall, *At the Edge of Empire,* 4, 25–26.

117. Fausz, "Merging and Emerging Worlds," 49.

118. McCary, *Indians in Seventeenth-Century Virginia,* 75; April Lee Hatfield, *Atlantic Virginia,* 28.

119. Hening, *Statutes at Large of Virginia,* 1:323–325; Gleach, *Powhatan's World and Colonial Virginia,* 173; Rountree, *Pocahontas' People,* 86–88.

120. Stephen R. Potter, "Early English Effects on Virginia Algonquian Exchange," 222.

121. Kingsbury, *Records of the Virginia Company,* 3:19–20.

122. On the Huron "trading empire," see George T. Hunt, *Wars of the Iroquois,* 53–65.

123. Oberg, *Dominion and Civility,* 152; Jennings, "'Pennsylvania Indians' and the Iroquois," 76; Fausz, "Merging and Emerging Worlds," 76–77; Wallace, *Indians in Pennsylvania,* 13, 102; Ragueneau, "Relation of What Occurred . . . in the Years 1647 and 1648," 33:129–133.

124. On the violence of the Iroquois-Algonquian conflict in the Great Lakes, see Richard White, *Middle Ground,* 1–15; Calloway, *One Vast Winter Count,* 225–226.

125. Lahontan, *New Voyages,* 2:485–486.

126. Richard White, *Middle Ground,* 23–25.

127. The term "Beaver Wars" as a descriptor for seventeenth-century Iroquois Wars first appeared in the historiography in the 1940s. Later studies challenged the "Beaver Wars" interpretation of these conflicts, arguing that they were not motivated by a single-minded, materialistic drive to acquire European trade goods by seeking out new beaver-hunting grounds. Historians have argued that Iroquois actions were responses to French and other Indian territorial incursions, population loss, and a

desire to preserve their own supplies of beaver. See, e.g., Trigger, *Children of Aataentsic,* 2:619–626; and Trelease, "Iroquois and the Western Fur Trade," 32–51. In his rebuttal to the "Beaver Wars" thesis, Brandão maintains that "the Iroquois did not want to control the fur trade; they sought only to use it." Brandão criticizes earlier researchers for assuming that the Iroquois held the same economic motives as the Europeans. Brandão, *Your Fyre Shall Burn No More,* 5–6, 18, 120–123, 131. I would differ to argue that "use" of the fur trade necessarily involves at least a modicum of "control" over the animal resources and the terms of exchange. Moreover, it is equally simplistic to suggest that European involvement in the exchange of beaver pelts was simply a search for profits. The trade with Native Americans for furs likewise served a variety of functions for colonizers, and, as the events of Bacon's Rebellion showed, not all colonists agreed that economic gain should supersede defense or territorial control.

128. Le Jeune, "Relation," 6:150–151.

129. Richter, *Trade, Land, Power,* 78–81.

130. Jennings, *Ambiguous Empire,* 15–20; Jeffrey Glover, *Paper Sovereigns,* 182–183; Rice, *Nature and History,* 105; Fausz, "Merging and Emerging Worlds," 83–85.

131. Jeffrey Glover, *Paper Sovereigns,* 184–185; Browne, *Archives of Maryland,* 3:277–278.

132. Browne, *Archives of Maryland,* 1:307.

133. Eshleman, *Lancaster County Indians,* 45; Jennings, *Ambiguous Empire,* 122.

134. The Susquehannocks' fortified town on the Susquehanna River was "defended on one side by the stream, on whose banks it was situated, and on the opposite by a double curtain of large trees, flanked by two bastions erected in the European manner, and even supplied with some pieces of Artillery." Thus protected, the Susquehannocks were able to repel the Iroquois assaults. Lalemant, "Relation of New France in the years 1662–1663," 48:75–77.

135. Browne, *Archives of Maryland,* 1:407; Browne, *Archives of Maryland,* 3:417–418; Wallace, *Indians in Pennsylvania,* 103.

136. Beekman to Stuyvesant, February 20, 1662, 330–331.

137. McIlwaine and Kennedy, *Journals,* 2:15–16.

138. Berkeley, *Discourse,* 6.

139. McIlwaine and Kennedy, *Journals,* 2:15–16; Beverley, *History and Present State of Virginia,* 62–63.

140. Hazard, *Annals of Pennsylvania,* 54–62; Richter, *Facing East from Indian Country,* 87–88.

141. Browne, *Archives of Maryland,* 2:430; Rice, *Nature and History,* 146.

142. Browne, *Archives of Maryland,* 2:428–430, 462–463; Rice, *Nature and History,* 146.

143. M[athew], "The Beginning, Progress, and Conclusion of Bacon's Rebellion," 16–22; Rice, *Tales from a Revolution,* 6–10.

144. M[athew], "The Beginning, Progress, and Conclusion of Bacon's Rebellion," 16–22; Rice, *Tales from a Revolution,* 6–10.

145. Sherwood, "Virginia's Deploured Condition," 9:165–166; Rice, *Nature and History,* 149.

146. Berkeley, "Berkeley to Ludwell," April 1, 1676, 3.

147. "Causes of Discontent in Virginia (Continued)," 380.

148. [Cotton], "History of Bacon's and Ingram's Rebellion, 1676," 51, 59; Berry and Moryson, "True Narrative of the Late Rebellion . . . 1677," 109; Grantham, *Historical Account of Some Memorable Actions,* 13–14.

149. Demallie, "Tutelo and Neighboring Groups," 14:292.

150. Sherwood, "Virginia's Deploured Condition," 167.

151. Eggleston, "Bacon's Rebellion," 3; Sherwood, "Virginia's Deploured Condition," 168.

152. Eggleston, "Bacon's Rebellion," 4.

153. "Ludwell to Williamson, 28 June 1676," 180.

154. Sherwood, "Virginia's Deploured Condition," 167–168.

155. Berry and Moryson, "True Narrative of the Late Rebellion . . . 1677," 106.

156. Sherwood, "Virginia's Deploured Condition," 169–170.

157. "Causes of Discontent in Virginia, 1676 (Continued)," 388. Colonial authorities characterized such requests for unrestricted Indian warfare as "a wild proposition" for a "perpetuall warr, and consequently a perpetuall tax on the Country." Oberg, *Samuel Wiseman's Book of Record,* 250.

158. Burke, *History of Virginia,* 2:261–262. Burke's is but one of many old and new accounts offering interpretations and reinterpretations of the causes and effects of the rebellion. Among the historiographically influential are Wertenbaker, *Torchbearer of the Revolution*; Washburn, *Governor and the Rebel*; Morgan, *American Slavery, American Freedom,* chaps. 11–14; Webb, *1676*; Rice, *Tales from a Revolution*.

159. Russo and Russo, *Planting an Empire,* 111–118; Wertenbaker, *Torchbearer of the Revolution,* 14, 34; Morgan, *American Slavery, American Freedom,* 269–270; Kulikoff, *Agrarian Origins,* 38, 205. Rice offers an alternative perspective, casting Bacon's Rebellion in the context of a broader set of Indian-colonist conflicts that were not resolved until the end of the seventeenth century. See Rice, "Bacon's Rebellion in Indian Country," 726–750.

160. Beverley, *History and Present State of Virginia,* 65–70.

161. Eggleston, "Bacon's Rebellion," 7–9.

162. "Causes of Discontent in Virginia, 1676 (Continued)," 388.

163. Bacon to Berkeley, May 25, 1676, quoted in Billings, *Sir William Berkeley,* 237.

164. Berkeley, "Berkeley to Ludwell," April 1, 1676, 3.

165. Berry and Moryson, "A True Narrative, 1677," 109.

166. "Causes of Discontent in Virginia, 1676," 170.

167. "Complaint from Heaven," *Archives of Maryland,* 5:134, 148.

168. Wallace, *Indians in Pennsylvania,* 13, 104; Browne, *Archives of Maryland,* 5:250, 260.

169. "Claiborne's Petition," *Archives of Maryland,* 5:157; Van Zandt, *Brothers Among Nations,* 187–188.

170. McCartney, *Virginia Immigrants and Adventurers, 1607–1635,* 206.

171. Van Zandt, *Brothers Among Nations,* 188; McIlwaine, *Legislative Journals,* 1:139; Jones, "Jones to Perry," January 1, 1692, CO 5/1306, no. 7; Browne, *Archives of Maryland,* 20:219–220.

172. Benton, *Search for Sovereignty,* 97–99.

Chapter 3 • Devouring Anamulls

1. Baldwin, "George Alsop," 6; Alsop, *Character of the Province of Maryland,* 32–33, 37, 39.

2. Byrd and Ruffin, *Westover Manuscripts,* 28, 117.

3. The word "hamstrung" is intended to be felicitous rather than descriptive of wolf behavior. A common misconception, reinforced by a number of historical sources and older scientific works, is that wolves cripple their prey by biting tendons in the fleeing animals' hind legs. Wildlife biologists, however, argue that wolves rarely hamstring their prey. See Mech, *The Wolf,* 204–205.

4. On English improvement as gradual and piecemeal, see Slack, *Invention of Improvement,* 1.

5. Gentleman of Elvas, "Narrative of the Expedition of Hernando DeSoto," 271–272; Cartier, "First Relation . . . 1534," 14; Acosta, *Natural and Moral History,* 61.

6. Clarke, *True and Faithful Account,* 33–34.

7. Ibid., 33; Castañeda de Nájera, "Narrative," 363.

8. Rosier, "True Relation . . . 1605," 377.

9. Brickell, *Natural History of North-Carolina,* 119. Although domestic dogs likely originated from the gray wolf (*Canis lupus*), genetic evidence shows that, contrary to the assertions of European writers such as Brickell, native American dogs were descended from Old World lineages and were not the result of independent domestication of New World wolves. See Leonard et al., "Ancient DNA Evidence," 1613–1616; and Wayne, Leonard, and Vilà, "Genetic Analysis of Dog Domestication," 279, 285–287.

10. Fogleman, "American Attitudes Towards Wolves," 65–66; Brickell, *Natural History of North-Carolina,* 119.

11. Alsop, *Character of the Province of Maryland,* 37; Clarke, *True and Faithful Account,* 33.

12. Harriot, *Briefe and True Report,* 19.

13. Budd, *Good Order,* 73.

14. Byrd and Ruffin, *Westover Manuscripts,* 28.

15. Haies, "Report," 12:342.

16. Pring, "Voyage . . . 1603," 350.

17. Josselyn, *New England's Rarities,* 49–52; Josselyn, *Account of Two Voyages to New-England,* 68.

18. Clarke, *True and Faithful Account,* 41.

19. Wood, *New-England's Prospect,* 22.

20. Brickell, *Natural History of North-Carolina,* 120.

21. Carver, *Travels,* 444.

22. Gregg, *Gregg's Commerce of the Prairies,* 20:271–272.

23. Wood, *New-England's Prospect,* 26–27; Carver, *Travels,* 444.

24. Wood, *New-England's Prospect,* 27.

25. Brickell, *Natural History of North-Carolina,* 119–120.

26. Sleeman, "Mammals and Mammalogy," 245; Fritts et al., "Wolves and Humans," 289–316.

27. Mech, *The Wolf,* 29–31; Nowak, "Taxonomy, Morphology, and Genetics of Wolves," 233–234; Chambers et al., "Account of the Taxonomy of North American

Wolves," 1; Spotte, *Societies of Wolves and Free-Ranging Dogs,* 4–12; Beeland, *Secret World of Red Wolves,* 10. Wolves can also breed across species and subspecies boundaries with their closest relatives: coyotes (*Canis latrans*) and domestic dogs (*Canis lupus familiaris*). Red wolves were considered extinct in the wild in 1980, but a captive-breeding reintroduction program had already been launched by US Fish and Wildlife Service. Red wolves have interbred extensively with coyotes. See Beeland, *Secret World of Red Wolves,* 13–14; and Mech, *The Wolf,* 22–25.

28. Mech, "Age, Season, Distance, Direction, and Social Aspects of Wolf Dispersal," 69–71. For wolves as "boundary crossers," see Coleman, *Vicious,* 199.

29. Miklósi, *Dog Behaviour,* 98–99.

30. Mech, *The Wolf,* 95–103; Harrington and Mech, "Wolf Vocalization," 109, 117–118, 130.

31. Peters and Mech, "Scent Marking in Wolves," 628; Paquet and Carbyn, "Gray Wolf," 496.

32. Mech, "Wolf-Pack Buffer Zones," 320–321.

33. Paquet and Carbyn, "Gray Wolf," 489.

34. Mech and Peterson, "Wolf-Prey Relationships," 137, 141; Peterson and Ciucci, "The Wolf as a Carnivore," 107–123; Vucetich, Vucetich, and Peterson, "The Causes and Consequences of Partial Prey Consumption," 295–296, 300–301. Biologists disagree about the extent to which packs allow wolves to hunt "cooperatively." See MacNulty et al., "Nonlinear Effects of Group Size," 75–82; Mech, "Possible Use of Foresight, Understanding, and Planning by Wolves," 145–149.

35. Lederer, "Discoveries of John Lederer," *First Explorations,* 148.

36. Johnson, *Johnson's Wonder-Working Providence,* 71, 210, 248; Roderick Nash, *Wilderness and the American Mind,* 28–29.

37. Harriot, *A Briefe and True Report,* 31.

38. Pory, "Pory to The Right Honble and My Singular Good Lorde, 30 September 1619," 3:220.

39. Wyatt, "Proclamation," 4:283.

40. See, e.g., Kingsbury, *Records of the Virginia Company,* 1:599, 618, 2:32, 326.

41. Edward Johnson, *Johnson's Wonder-Working Providence,* 251.

42. For domestic animals as colonizers, see Crosby, *Ecological Imperialism,* 172–194; Virginia DeJohn Anderson, *Creatures of Empire,* 9–11; and Cronon, *Changes in the Land,* 128–151.

43. Tomlins, *Freedom Bound,* 148.

44. Tomlins, *Freedom Bound,* 142–143; Edwards, "Between Plain Wilderness," 227.

45. Cushman, "Reasons and Considerations," 243.

46. Winthrop, "Reasons to be considered . . . . " 421, 423; Oberg, *Dominion and Civility,* 85–86.

47. Strachey, *Historie of Travaile,* 19.

48. Hening, *Statutes at Large of Virginia,* 4:39, 81, 283.

49. Thirsk, *Rural Economy,* 65–68; Sharp, "Rural Discontents," 263–264; Warde, "The Idea of Improvement," 127–129; Kulikoff, *From British Peasants,* 17–24.

50. Blith, *The English Improver Improved,* 73–77.

51. Slack, *Invention of Improvement,* 60–61; Thirsk, *Rural Economy,* 183–185.

52. Historiographically, enclosure has often been oversimplified as the ruthless, wholesale conversion of farmland into sheep pasture. For the limitations of that generalization, see Thirsk, *Rural Economy,* 65. For the persistence of capitalist sheep farming even in the face of declining wool prices, see John Martin, "Sheep and Enclosure," 39–54.

53. More, *Utopia,* 18.

54. Kulikoff, *Agrarian Origins,* 65; Seed, *Ceremonies of Possession,* 20.

55. Edwards, "Between Plain Wilderness," 227, 230; Morgan, "The Labor Problem at Jamestown," 595–611; Earle, "Environment, Disease, and Mortality," 96–125; Virginia DeJohn Anderson, "Animals into the Wilderness," 383–384, 388–389; Hening, *Statutes at Large of Virginia,* 1:228, 353.

56. Virginia DeJohn Anderson, *Creatures of Empire,* 99–101.

57. Kingsbury, *Records of the Virginia Company,* 3:18, 221, 473.

58. Hamor, *True discourse of the present estate of Virginia,* 30–31.

59. Andrew White, "White to Lord Baltimore, 20 February 1638/9," 1:208; Virginia DeJohn Anderson, *Creatures of Empire,* 112–113.

60. See, e.g., Strachey, *For the Colony in Virginia,* 14–15.

61. Virginia DeJohn Anderson, *Creatures of Empire,* 114.

62. Shrigley, *True Relation of Virginia and Mary-land,* 5.

63. Clayton, *Letter from Mr. John Clayton,* 21.

64. Browne, *Archives of Maryland,* 1:486.

65. Kingsbury, *Records of the Virginia Company,* 1:502.

66. Hening, *Statutes at Large of Virginia,* 1:245.

67. Virginia DeJohn Anderson, *Creatures of Empire,* 120–123. For references to "neat cattle," see Kingsbury, *Records of the Virginia Company,* 4:522.

68. Hening, *Statutes at Large of Virginia,* 1:70–71, 100–101, 248, 458, 3:279–280.

69. Virginia DeJohn Anderson, *Creatures of Empire,* 42, 109, 126–127; Hening, *Statutes at Large of Virginia,* 1:129, 4:48; Browne, *Archives of Maryland,* 60:xlix–xlx. For examples of recorded livestock marks, see Browne, *Archives of Maryland,* 10:308, 243, 60:91, 142, 526.

70. Browne, *Archives of Maryland,* 10:243, 244.

71. Ibid., 10:329–330.

72. Balch, *Brooke Family,* 13–15; Sioussat, *Old Manors in the Colony of Maryland,* 16, 19, 22–24, 35–37; Colonial Dames of America, *Ancestral Records and Portraits,* 2:541–542; O'Daniel, "Cuthbert Fenwick," 160–165; Kulikoff, *From British Peasants,* 111.

73. Virginia DeJohn Anderson, *Creatures of Empire*, 125–126; Hening, *Statutes at Large of Virginia*, 1:145.

74. Browne, *Archives of Maryland*, 24:280–281.

75. Hening, *Statutes at Large of Virginia,* 1:129.

76. Ibid., 1:440–441.

77. Rice, "Second Anglo-Powhatan War"; Hening, *Statutes at Large of Virginia,* 1:176.

78. Browne, *Archives of Maryland,* 3:281.

79. Hening, *Statutes at Large of Virginia,* 1:202–203, 316–317.

80. Roger Williams, *Key into the Language,* 114–115.

81. Browne, *Archives of Maryland,* 2:196, 3:489, 49:139.

82. Hening, *Statutes at Large of Virginia,* 2:13–15.

83. Ibid., 2:139–140.

84. Ibid., 2:360–361, 3:279–281.

85. Ibid., 4:46–48, 6:118–199.

86. Clayton, *Letter from Mr. John Clayton,* 20.

87. Beverley, *History and Present State of Virginia,* 81–83.

88. Browne, *Archives of Maryland,* 24:208.

89. Even wild cattle and hogs were still ostensibly owned by colonial authorities who regulated such animals and prohibited their killing without official license or permission. See, e.g., Hening, *Statutes at Large of Virginia,* 1:199. For disputes over the ownership of wild cattle and hogs, especially in seventeenth-century Maryland, see Virginia DeJohn Anderson, *Creatures of Empire,* 132–139.

90. "Westmoreland County Records," 45.

91. "Grievances of the inhabitants . . . of Northampton County," 1, 3.

92. For the connection between animal husbandry and its encouragement of sedentariness, enclosure, and private property, see Silverman, "We Chuse to Be Bounded," 513.

93. Hening, *Statutes at Large of Virginia,* 1:199.

94. Ibid., 1:328, 456, 2:87; Browne, *Archives of Maryland,* 1:346. The first wolf bounty in Maryland was passed in 1654. Wolf-bounty laws were first enacted in Massachusetts Bay Colony in 1630. See Noble, *Records of the Court of Assistants,* 2:8.

95. Thomas Glover, *Account of Virginia,* 19.

96. Clayton, *Letter from Mr. John Clayton,* 35.

97. Bartlett, *Records of the Colony of Rhode Island,* 1:125. See, also, Shurtleff, *Records of Massachusetts Bay,* 1:81, 3:319; Shurtleff and Pulsifer, *Records of the Colony of New Plymouth,* 1:31; Trumbull and Hoadly, *Public Records of the Colony of Connecticut,* 1:149, 377, 561.

98. Bartlett, *Records of the Colony of Rhode Island,* 1:84–85; Pulsifer, *New Plymouth: Laws,* 38, 214.

99. Bartlett, *Records of the Colony of Rhode Island,* 1:122–123; Shurtleff, *Records of Massachusetts Bay,* 2:252–253, 3:134; Shurtleff and Pulsifer, *Records of the Colony of New Plymouth,* 1:22–23.

100. Hening, *Statutes at Large of Virginia,* 2:87, 3:42. Other colonies passed similar seventeenth-century bounty laws for the destruction of predators, including wolves, foxes, wild cats, and bears. See, e.g., George, McRead, and McCamant, *Laws of the Province of Pennsylvania,* 52, 72.

101. John Martin, "Howe to Bringe the Indians into Subjection," 3:704–706.

102. Hening, *Statutes at Large of Virginia,* 1:393–396.

103. Browne, *Archives of Maryland,* 2:349.

104. Ibid., 13:520; Hening, *Statutes at Large of Virginia,* 1:395, 457; McIlwaine, *Legislative Journals,* 3:1532. Other colonies also offered rewards, including wine, corn, cash, guns, ammunition, and hunting privileges, to Indians for destroying predators. See, e.g., Bartlett, *Records of the Colony of Rhode Island,* 1:124–125; Shurtleff, *Records of Massachusetts Bay,* 2:84, 103, 3:17, 4:2; Shurtleff and Pulsifer, *Records of the Colony of New Plymouth,* 11:58; George, McRead, and McCamant, *Laws of the Province of*

Pennsylvania, 52, 134; Trumbull and Hoadly, *Public Records of the Colony of Connecticut,* 1:367.

105. Coleman, *Vicious,* 60–61, 65.

106. Hening, *Statutes at Large of Virginia,* 1:274–275. A similar South Carolina law in 1695 commanded "every Indian man capable of killing a deer" to bring in two cat skins or one wolf, "tiger," or bear skin annually. The law further required Indian leaders to whip bowmen who refused to deliver their yearly quota. See Cooper, *Statutes at Large of South Carolina,* 2:108–109.

107. Hening, *Statutes at Large of Virginia,* 2:236, 282, 360, 3:283.

108. Ibid., 1:328, 456, 2:87.

109. Browne, *Archives of Maryland,* 1:346, 7:520, 60:Preface 44, 60:348, 586, 202:53–55, 78–79, 69:250–251.

110. Hening, *Statutes at Large of Virginia,* 2:178.

111. Ibid., 2:215.

112. Browne, *Archives of Maryland,* 2:322–323.

113. Hening, *Statutes at Large of Virginia,* 2:236.

114. Ibid., 2:360, 396, 4:353–354; Browne, *Archives of Maryland,* 27:172, 34:414, 36:554, 75:373.

115. Hening, *Statutes at Large of Virginia,* 4:353–354.

116. Ibid., 2:87, 3:42–43.

117. Browne, *Archives of Maryland,* 27:171.

118. Hening, *Statutes at Large of Virginia,* 3:282–283; Browne, *Archives of Maryland,* 27:96; Spotswood, "To Lords Commissioners of Trade . . . 1714 [1715]," 2:98.

119. [Durand of Dauphiné], *Frenchman in Virginia,* 114.

120. David S. Hardin, "Laws of Nature," 152.

121. Bruce, *Economic History of Virginia in the Seventeenth Century,* 1:481–482.

122. Browne, *Archives of Maryland,* 36:279, 46:317, 75:339, 568; Hening, *Statutes at Large of Virginia,* 4:446, 5:203–204, 8:389–390; David S. Hardin, "Laws of Nature," 147. Similar laws could be found in other colonies. See, e.g., Saunders and Clark, *Colonial and State Records of North Carolina,* 23:500–501.

123. Browne, *Archives of Maryland,* 29:341, 46:306–307; Hening, *Statutes at Large of Virginia,* 5:200.

124. David S. Hardin, "Laws of Nature," 148–149.

125. Subscribers, Freeholders and Inhabitants: Petition, James City County, November 16, 1796, VLP.

126. Jefferson, *Notes,* 141.

127. Mullennex, "Topography"; Adkins, "Allegheny Plateau."

128. Lederer, "Discoveries of John Lederer," *First Explorations,* 141–142, 166; Byrd and Ruffin, *Westover Manuscripts,* 65.

129. Hammond, *History of Harrison County,* 157.

130. Waddell, *Annals of Augusta County,* 21, 26–27; Withers, *Chronicles of Border Warfare,* 55.

131. Burnaby, *Travels Through the Middle Settlements,* 73–74.

132. Hening, *Statutes at Large of Virginia,* 5:78–80.

133. Thomas Coke, "Missionary Journeys," 74.

134. Hening, *Statutes at Large of Virginia,* 5:188.

135. Ibid., 5:265, 373–374.

136. Ibid., 6:152–153; 8:48.

137. Ibid., 10:65.

138. Bayard, "A Summer at Bath, 1791," 85.

139. Citizens, Petition, Rockbridge County, December 19, 1809, VLP.

140. Inhabitants, Petition, Ohio County, December 9, 1803, VLP.

141. Inhabitants, Petition, Hampshire County, November 5, 1789, VLP.

142. Inhabitants, Petition, Monongalia County, December 7, 1798, VLP.

143. Subscribers and Inhabitants, Petition, Greenbrier County, December 20, 1803, VLP.

144. Inhabitants, Petition, Lee County, December 13, 1804, VLP.

145. Citizens, Petition, Washington County, December 5, 1805, VLP.

146. Citizens, Petition, Harrison County, December 7, 1804, VLP.

147. Citizens, Counter-Petition, Harrison County, December 7, 1804, VLP.

148. Inhabitants, Counter-Petition, Harrison County, December 19, 1805; Inhabitants, Counter-Petition, Harrison County, December 11, 1805, VLP.

149. Shepherd, *Statutes at Large of Virginia . . . a Continuation of Hening,* 3:267.

150. David Armstrong, "Genealogical Correspondence"; Citizens, Petition, Harrison County, December 8, 1808, VLP.

151. For the early nineteenth-century significance of open southern rangelands, especially in relation to the Reconstruction-era closing of the southern range, see R. Ben Brown, "Free Men and Free Pigs," 117–118; Hahn, "Hunting, Fishing, and Foraging," 37–64; and Kantor, *Politics and Property Rights,* 2.

152. Inhabitants: Petition, Grayson County, December 21, 1825, VLP.

153. Inhabitants of the South Branch Manor: Petition, December 7, 1797, VLP.

154. A significant number of petitions both for and against free-range livestock were submitted to the legislature in the late eighteenth and early nineteenth centuries. See the following examples from VLP: Inhabitants of the South Branch Manor, Petition, Hampshire County, December 7, 1797; Inhabitants of the South Branch Manor, Petition [Counter-petition], Hampshire County, December 7, 1797; Inhabitants of Franklin, Petition, Pendleton County, December 9, 1800; Inhabitants of Franklin, Counter-Petition, Pendleton County, December 2, 1800; Inhabitants of Moorefield, Petition, Hardy County, December 2, 1800; Inhabitants of Moorefield, Counter-Petition, Hardy County, December 2, 1800; Inhabitants of Charlestown, Petition, Brooke County, December 8, 1800; Inhabitants of Charlestown, Petition, Brooke County, December 16, 1801; Inhabitants of Charlestown, Petition, Brooke County, December 18, 1806; Inhabitants of Beverley, Petition, Randolph County, December 10, 1801; and Inhabitants of Beverley, Petition, Randolph County, December 10, 1803.

155. VLP including Inhabitants of Pearisburg, Petition, Giles County, December 20, 1821; Citizens, Petition, Giles County, December 21, 1826; Citizens of the Vicinity of Pearisburg, Petition, Giles County, December 29, 1835; John McClaughtery, Affidavit, Giles County, November 1836; Andrew Johnston, Affidavit, Giles County, November 1836.

156. See, e.g., the following VLP: Citizens of Moorefield, Petition, Hardy County, December 5, 1822; Trustees of Watson, Petition, Hampshire County, December 9,

1801. New York's early nineteenth-century pig keepers deployed similar arguments about the rights of the poor to run hogs at large in the face of elite attempts to criminalize the practice. See Hartog, "Pigs and Positivism," 908–909.

157. Theodore Steinberg, *Slide Mountain,* 6–7, 17–19; Coleman, *Vicious,* 36.

158. Inhabitants, Petition, Harrison County, December 18, 1807, VLP.

159. Inhabitants, Petition, Harrison County, December 18, 1807, VLP; Inhabitants, Petition, Harrison County, December 13, 1809, VLP; Kathleen Burke, *Old World, New World,* 219–222.

160. Inhabitants, Petition, Lee County, December 11, 1809, VLP.

161. Inhabitants, Petition, Hampshire County, December 8, 1808, VLP.

162. Rockbridge County also succeeded in reinstating higher wolf bounties in 1809, with rewards set at eight dollars for each old wolf and six dollars for each young one. See Citizens, Petition, Rockbridge County, December 19, 1809, VLP.

163. Residents and Citizens, Petition, Augusta County, December 18, 1829; Inhabitants, Petition, Rockbridge County, December 10, 1829, VLP; Citizens, Petition, Shenandoah and Frederick Counties, December 21, 1813, VLP.

164. Citizens, Petition, Rockingham County, December 8, 1820, VLP; Dorsey, *General Public Statutory Law,* 141:1330.

165. Citizens, Petition, Pocahontas County, February 14, 1848, VLP.

166. Citizens, Petition, Hampshire County, December 12, 1808, VLP; Citizens, Petition, Harrison County, December 13, 1809, VLP.

167. Citizens, Petition, Preston County, January 9, 1839, VLP.

168. Lewis Brantz, "Memoranda of a Journey," 3:344.

169. David Barrow, "Journal," 178.

170. Nuttall, *Journal of Travels,* 13:58–59.

171. Faux, *Faux's Memorable Days,* pt. 2, 142, 203–204.

172. Faux, *Faux's Memorable Days,* pt. 2, 204.

173. McQueen, "Interview with McQueen," 119; Black, "Interview with Major Black," 151–152.

174. Crèvecoeur, *Letters from an American Farmer,* 66–68.

175. Imlay, *Topographical Description,* 149.

Chapter 4 • Incapable of Separate or Individual Property

1. Inhabitants, Petition, Caroline County, November 21, 1777, VLP.

2. Ibid.

3. Curtis, *Jefferson's Freeholders,* 64–65; Konig, "Pendleton, Edmund."

4. Curtis, *Jefferson's Freeholders,* 8, 63–64; Pendleton, "Pendleton to Jefferson, 3 August 1776." For Jefferson's views, see Jefferson, "Thomas Jefferson to Edmund Pendleton, 13 August 1776."

5. Macpherson, "The Meaning of Property," 8. On water rights, economic development, and changing definitions of property in the eighteenth and nineteenth centuries, see Horwitz, *Transformation of American Law,* 31–53; and William E. Nelson, *Americanization of the Common Law,* 159–165.

6. Ostrom and Hess, "Private and Common Property Rights," 56.

7. Parkhurst, "A letter to M. Richard Hakluyt," 12:300–302. Parkhust's fanciful descriptions had basis in fact. Smelt could be scooped up easily during spawning

runs. The fish Parkhurst could "swepe with broomes on a heape, and never wet [his] foote" were the gravel-beach-spawning capelin. See Rose, *Cod,* 202n.87; and Karen L. M. Martin, *Beach-Spawning Fishes,* 62.

8. Brereton, *Briefe and True Relation,* 331; Archer, *Gosnold's Settlement at Cuttyhunk,* 3.

9. Smith, *Description of New England,* 28–29, 31, 33, 56–57. For a discussion of European impressions of North Atlantic faunal abundance, see Bolster, *Mortal Sea,* 39–41.

10. Grotius, *Freedom of the Seas,* 28, 37.

11. Welwod, *Abridgement of All Sea-Lawes,* 61–72.

12. Selden, *Mare Clausum,* 151, 355–358; Churchill and Lowe, *The Law of the Sea,* 3–4; Philip E. Steinberg, *Social Construction of the Ocean,* 90–97.

13. Welwod, *Abridgement of All Sea-Lawes,* 72.

14. Philip E. Steinberg, *Social Construction of the Ocean,* 98.

15. Selden, *Mare Clausum,* 442.

16. McCay, "Culture of the Commoners," 197–199, 201–202; Crenshaw v. The Slate River Company, 260–261; Bean and Rowland, *Evolution of National Wildlife Law,* 9; Paul, *Digest of the Laws,* 200, 202. A "common of fishery" differed from a "common fishery" or a nonexclusive, open-access fishery.

17. Blackstone, *Commentaries,* 4:235, 415.

18. On popular opposition to the game laws and the persistence of poaching, see Thompson, *Whigs and Hunters*; Manning, *Hunters and Poachers*; and Munsche, *Gentlemen and Poachers*. For the opposing view that posited private-property rights in wild animals and fish for landowners, see, esp., Christian, *Treatise on the Game Laws*.

19. I.R., "The Trades Increase, 1615," quoted in Alexander Brown, *Genesis of the United States,* 2:766.

20. Pearson, "Fish and Fisheries," pt. 6, 436–437; Kingsbury, *Records of the Virginia Company,* 1:393, 410–411, 428.

21. Shurtleff, *Records of Massachusetts Bay,* 1:326–327, 256–258, 4:312, 400; Shurtleff and Pulsifer, *Records of the Colony of New Plymouth,* 11:288–289.

22. Hening, *Statutes at Large of Virginia,* 1:136.

23. [Archer], "Description of the Now-Discovered River and Country of Virginia," 374, 376.

24. "Plain & Friendly Perswasive," 261.

25. Hening, *Statutes at Large of Virginia,* 1:59.

26. Pearson, "Fish and Fisheries," pt. 2, 353.

27. Council of Virginia, "Classes of Emigrants Wanted," 1:469.

28. Kingsbury, *Records of the Virginia Company,* 3:304. On salt works, see also Clarke, *True and Faithful Account*.

29. Pearson, "Fish and Fisheries," pt. 3, 6- 7.

30. Ibid., pt. 3, 2, 4–7, pt. 6, 437; Biard, "Relation of New France," 3:273.

31. Barlowe, "The first voyage made to the coasts of America," 13:292.

32. Smith, *Travels and Works,* 1:113.

33. Edward Williams, *Virginia . . . Richly and Truly Valued,* 21.

34. Long, Hilton, and Fabian, "Report," 1:68.

35. "Advertisement concerning the settlement of the Cape Fear Area, 1666," 1:153–154.

36. Ashe, *Carolina,* 25–26.

37. Robert Johnson, *The New Life of Virginea* (1612), 14.

38. Smith, *Generall Historie,* 1:20, 35, 92, 302.

39. Edward Williams, *Virginia: Richly and Truly Valued,* 48.

40. Lawson, *New Voyage to Carolina,* 86.

41. Catesby, *Natural History of Carolina,* 2:xxxiii.

42. Kingsbury, *Records of the Virginia Company,* 3:439–440.

43. Ibid., 3:459.

44. "Sir Robert Heath's Patent . . . 1629," 1:12. Similar liberties of "fishing, fowling, hawking, and hunting" were granted in other colonies. See, e.g., Shurtleff and Pulsifer, *Records of the Colony of New Plymouth,* 11:16; George, McRead, and McCamant, *Laws of the Province of Pennsylvania,* 160; Bartlett, *Records of the Colony of Rhode Island,* 1:99; and Lund, *American Wildlife Law,* 19–20.

45. "Instructions for Sir William Berkeley . . . 1663," 1:50–51.

46. For the early history of American wildlife policy as an "era of free taking," see Campbell-Mohn, Breen, and Futrell, *Environmental Law,* 203; Marks, *Southern Hunting in Black and White,* 29; Curnutt, *Animals and the Law,* 292; and Cowdrey, *This Land, This South,* 46.

47. Hening, *Statutes at Large of Virginia,* 2:456. Non-navigable streams as well as improved and stocked fishponds could be closed to public fishing. See, e.g., George, McRead, and Camant, *Laws of the Province of Pennsylvania,* 160; and Shurtleff and Pulsifer, *Records of the Colony of New Plymouth,* 11:16.

48. Hening, *Statutes at Large of Virginia,* 3:328, 534; Saunders and Clark, *Colonial and State Records of North Carolina,* 23:434.

49. Hening, *Statutes at Large of Virginia,* 2:487, 3:30; McIlwaine, *Legislative Journals,* 3:1533; Cowdrey, *This Land, This South,* 57.

50. Filson, *Discovery,* 21.

51. Hening, *Statutes at Large of Virginia,* 10:227.

52. McIlwaine and Kennedy, *Journals,* 13:129, 211; Boddie, *Historical Southern Families,* 11:2–5.

53. Similar disputes arose elsewhere at roughly the same time. See, e.g., Kulik, "Dams, Fish, and Farmers," 25–50; Vickers, "Those Dammed Shad," 685–712; Gertsell, *American Shad*; and Theodore Steinberg, *Nature Incorporated*.

54. Inhabitants, Petition, Caroline County, November 21, 1777; Inhabitants of Chesterfield and Henrico, Petition, Henrico County, November 14, 1789, VLP.

55. Citizens, Remonstrance, Princess Anne County, December 15, 1802, VLP.

56. Inhabitants of Orangeburgh District . . . 1787, "Petition Explaining That Anderson's Mill on the Edisto River is a Public Nuisance . . . ," February 8, 1787, SCGAP.

57. Harry Watson, "Common Rights of Mankind," 15–16, 28–29; Kulik, "Dams, Fish, and Farmers," 46.

58. The most famous example is biologist Garrett Hardin's "Tragedy of the Commons." For rebuttals to Hardin, see Feeny, Hanna, and McEvoy, "Questioning the Assumptions of the 'Tragedy of the Commons,'" 187–205; Swaney, "Common Property," 451–453; Berkes, Feeny, McCay, and Acheson, "The Benefits of the

Commons," 91–93; and McEvoy, "Toward an Interactive Theory of Nature and Culture," 289–305.

59. Thomas W. Merrill and Smith, *Oxford Introductions to U.S. Law,* 21; Eggertsson, "Open Access Versus Common Property," 73–75, 86; McCay, "The Culture of the Commoners," 204; Ostrom, *Governing the Commons,* 2–8.

60. Saunders and Clark, *Colonial and State Records of North Carolina,* 24:936.

61. Inhabitants, Petition of Inhabitants of Granville, North Carolina, Mecklenburg County, November 22, 1788, VLP.

62. Keeling, Adams, and Others, Remonstrance, Princess Anne County, December 15, 1802; Citizens, Remonstrance, Princess Anne County, December 15, 1802, VLP.

63. Inhabitants, Petition, Martin and Washington Counties, 1810, box 3, folder: Joint Committee Reports (Props. and Grievances), NCGAR.

64. Wall, *Commons in History,* 10, 94; Thompson, "Custom, Law and Common Right," 97–184.

65. Hening, *Statutes at Large of Virginia,* 1:415, 2:140, 3:467.

66. Ibid., 8:590.

67. Swaney, "Common Property," 453; Veracini, *Settler Colonial Present,* 102–103.

68. Inhabitants, Petition of Inhabitants of Granville, North Carolina, Mecklenburg County, November 22, 1788; Freeholders and Inhabitants of Lunenburg and Mecklenburg, Petition, Lunenburg County, October 31, 1776; Freeholders and Citizens, Petition, Pittsylvania County, December 12, 1809, VLP.

69. Citizens of Amherst and Campbell, Petition, Amherst County, December 13, 1802; Inhabitants, Petition, Buckingham County, December 11, 1802, VLP.

70. Inhabitants, Petition of Inhabitants of Granville, North Carolina, Mecklenburg County, November 22, 1788; Residents, Petition, Fairfax County, December 20, 1836, VLP.

71. Residents, Petition, Fairfax County, December 20, 1836, VLP.

72. Inhabitants of Chesterfield and Henrico, Petition, Henrico County, November 14, 1789, VLP.

73. Freeholders and Inhabitants, Petition, Buckingham County, November 8, 1791; Inhabitants, Petition, Halifax County, October 21, 1791, VLP.

74. Cooper, *South Carolina Statutes,* 5:700.

75. Thomas Mercer and Others, Petition, Camden County, 1810, Camden, box 3, folder: Petitions (Misc.), NCGAR.

76. Citizens, Remonstrance, Princess Anne County, December 15, 1802, VLP. A number of colonial laws regulating the use of fish for community benefit, especially in New England, foreshadowed these Revolutionary and early republican-era arguments. In Plymouth, for example, only inhabitants of the town could use alewives, herring, or shad for fertilizing worn-out cornfields. Plymouth's General Court regulated in 1645 the setting of nets to take bass by "private persons" so that the town of Sandwich would receive its fair share of herring and alewives. The Massachusetts General Court granted leave to the inhabitants of Newe Towne in 1634 to "build a weire upon any place of the Winotimies Ryver," so long as it was "within their owne bounds." Shurtleff and Pulsifer, *Records of the Colony of New Plymouth,* 11:14–15, 34, 49; Shurtleff, *Records of Massachusetts Bay,* 1:128.

77. Land Holders and Inhabitants, Petition, Loudon County, March 1, 1831, VLP.

78. Proprietors and Occupiers of Fisheries on the Potomac River, Petition, Potomac River (Miscellaneous), December 16, 1817, VLP.

79. Residents, Petition, Fairfax County, December 20, 1836, VLP.

80. P. F. Bidgood and Thomas B. Beaton, Petition, Norfolk County, February 1, 1837, VLP.

81. Inhabitants, Petition, Pendleton County, November 5, 1790, VLP.

82. Freeholders and Citizens, Petition, Pittsylvania County, December 12, 1809, VLP.

83. Inhabitants, Petition, Campbell County, October 27, 1787, VLP.

84. French and Armstrong, *Notable Southern Families,* 75; Inhabitants, Petition, Wythe County, December 15, 1804, VLP.

85. Fishermen on the Potomac River, Petition, Fairfax County, December 14, 1816, VLP.

86. Inhabitants, Petition, Randolph County, November 24, 1795, VLP.

87. Citizens, Petition, Floyd County, December 8, 1834, VLP.

88. Saunders and Clark, *Colonial and State Records of North Carolina,* 25:69; Cooper, *South Carolina Statutes,* 5: 278.

89. Inhabitants, Petition, Bedford County, May 21, 1785, VLP.

90. Inhabitants Residing Near the Great Otter River, Petition, Bedford County, November 14, 1784; Freeholders and Inhabitants, Petition, Bedford County, November 11, 1791, VLP.

91. Inhabitants of Granville County, North Carolina, Petition, Mecklenburg County, November 22, 1788, VLP.

92. Inhabitants, Petition, Johnston County, North Carolina, 1810, box 3, folder: Petitions (Misc.), NCGAR.

93. Harry Watson, "Common Rights of Mankind," 16, 41–43; Kulik, "Dams, Fish, and Farmers," 44–46.

94. Citizens, Remonstrance, Princess Anne County, December 15, 1802, VLP.

95. Residents, Petition, Fairfax County, December 20, 1836, VLP.

96. Inhabitants of Union and Spartanburg Districts, "Petition Asking That Tiger River Be Opened to Navigation and the Free Passage of Fish," October 12, 1811, SCGAP.

97. Citizens, Counter-Petition, Lancaster County, January 4, 1833, VLP.

98. Kulikoff, *From British Peasants,* 125–126; Tomlins, *Law, Labor, and Ideology,* 24–26; Huston, *Land and Freedom,* 12–13.

99. Citizens, Remonstrance, Princess Anne County, December 15, 1802, VLP.

100. Blackstone, *Commentaries,* 2:1.

101. Jefferson, *Notes,* 183.

102. Kulikoff, *From British Peasants,* 129–133; Hahn, *Roots of Southern Populism,* 58. On the commons as complementary to private property, see Louis Warren, "Owning Nature," 400.

103. Sawyer, *America's Wetland,* 83–95; Victor S. Kennedy and Mountford, "Human Influences on Aquatic Resources," 205–207.

104. Gertsell, *American Shad,* 1; McPhee, *Founding Fish,* 3, 30–38, 92–93, 103, 113; Fisher and Schubel, "Chesapeake Ecosystem," 7–8, 10; Stevenson, "Shad Fisheries of the Atlantic Coast," 24:111–112.

105. On the historical range of shad in the Pee Dee River system and shad population declines, see Stevenson, "Shad Fisheries of the Atlantic Coast," 104, 111.

106. Tryon, Governor Tryon to Hillsborough, November 30, 1769, 8:153–154.

107. Angell, *Treatise on the Common Law,* 18–19; Novak, *People's Welfare,* 132–133.

108. Shrunk v. Schuylkill Navigation Co., 78–79.

109. Houck, *Treatise on the Law of Navigable Rivers,* 26–35. See, e.g., Cates v. Wadlington.

110. Novak, *The People's Welfare,* 133.

111. Numerous laws appeared in the eighteenth and nineteenth centuries to improve navigation on southern rivers. See, e.g., Saunders and Clark, *Colonial and State Records of North Carolina,* 23:974, 24:936–937; Cooper, *South Carolina Statutes,* 5:726; Virginia, *Collection of All Such Acts of the General Assembly,* 2:11, 19–20, 125, 170; and Hening, *Statutes at Large of Virginia,* 8:564–565, 11:506.

112. Freeholders and Inhabitants, Petition, Harrison County, November 12, 1794, VLP. See, also, Inhabitants, Petition, Harrison County, December 4, 1811, VLP.

113. President and Directors of the Potomack Company, Petition, Miscellaneous, December 17, 1799, VLP.

114. Sawyer, *America's Wetland,* 88.

115. Fishermen on the Potomac River, Petition, Fairfax County, December 14, 1816, VLP.

116. Angell, *A Treatise on Watercourses,* 14–20; Adams v. Pease, 2 Conn. 481; Hooker v. Cummings, 20 Johns. 90; Palmer v. Mulligan, 3 Cains' Rep. 307; The People v. Platt, 17 Johns. 195; and Shaw v. Crawford, 10 Johns. 237, all cited in Angell, appendix to *A Treatise on Watercourses,* 1–4, 90–96, 138–148, 151–161, 175–176; Novak, *The People's Welfare,* 132–136.

117. Colonial statutes for "encouraging the erecting of mills" were enacted in Virginia in 1667, North Carolina in 1758, and Maryland in 1669. See, Hening, *Statutes at Large of Virginia,* 2:260–261; Head v. Amoskeag Mfg. Co.; John F. Hart, "Maryland Mill Act, 1669–1766," 1–7.

118. Theodore Steinberg, *Nature Incorporated,* 29–32.

119. Horwitz, *Transformation of American Law,* 31, 48–51; William E. Nelson, *Americanization of the Common Law,* 159–160.

120. Hening, *Statutes at Large of Virginia,* 7:321–322.

121. Ibid., 9:579; Harry Watson, "Common Rights of Mankind," 29–30.

122. Moore County, Nov. 1792–Jan. 1793, box 4, folder: Petitions (Misc.), NCGAR. See, also, Inhabitants, Petition, Fauquier County, December 7, 1797; Citizens, Petition, Lancaster County, December 31, 1832, VLP.

123. Robert Parker, Petition, Hampshire County, 1791, VLP.

124. Inhabitants of Union, Newberry, and Laurens Districts, "Petition for the Repeal of the Law Relative to the Preventing of Obstructions to the Passage of Fish Up Tyger and Enoree Rivers," November 20, 1808, SCGAP.

125. J. Jed Brown et al., "Fish and Hydropower on the U.S. Atlantic Coast," 280–284.

126. Thomas Field and Sundry Inhabitants of the Neighbourhood of Grassy Creek, Petition, Mecklenburg County, November 22, 1788, VLP.

127. See, e.g., Wimbish, Oliver, and Others, Petition, Halifax County, December 11, 1807, VLP; Inhabitants of the Counties of Nash and Edgecombe, Petition, Nash County, July 1810, box 3, folder: Petitions (Misc.), NCGAR.

128. Munford, *General Index to the Virginian Law Authorities,* 26–27; Horwitz, *Transformation of American Law,* 48; Inhabitants of the Counties of Nash and Edgecombe, Petition, Nash County, July 1810, box 3, folder: Petitions (Misc.), NCGAR; Robert Ellison and Others of Darlington County, "Petition to be Empowered to Complete Their Saw Mills on Black Creek, Despite Petitions Protesting Hindrances to Navigation and Fishing," December 9, 1797, SCGAP.

129. Inhabitants, Petition, Campbell County, October 27, 1787, VLP.

130. Thomas Field and Sundry Inhabitants of the Neighbourhood of Grassy Creek, Petition, Mecklenburg County, November 22, 1788, VLP.

131. Inhabitants of Amelia, Cumberland, and Powhatan, Petition, Amelia County, November 6, 1787; Inhabitants of Amelia, Powhatan, Chesterfield, and Dinwiddie, Remonstrance, Amelia County, October 29, 1787, VLP.

132. Nash, William, and Others, Petition, Russell County, December 13, 1825, VLP.

133. Petition of Sundry Inhabitants on Contentnea Creek, Pitt County, 1792, box 4, folder: Petitions (Misc.), NCGAR.

134. Petition of the Inhabitants, Wayne County, November 20, 1810, box 3, folder: Petitions (Misc.), NCGAR; Petition of Inhabitants, Nash and Edgecombe, July 1810, box 3, folder: Petitions (Misc.), NCGAR.

135. Inhabitants of Amelia, Powhatan, Chesterfield, and Dinwiddie, Remonstrance, Amelia County, October 20, 1787, VLP.

136. Inhabitants of Culpeper and Orange, Petition, Orange County, November 12, 1778, VLP.

137. Petition of Inhabitants, Nash and Edgecombe, July 1810, box 3, folder: Petitions (Misc.), NCGAR.

138. Petition of the Inhabitants, Wayne County, November 20, 1810, box 3, folder: Petitions (Misc.), NCGAR.

139. Inhabitants of Amelia, Powhatan, Chesterfield, and Dinwiddie, Remonstrance, Amelia County, October 29, 1787, VLP.

140. Thomas Field and Sundry Inhabitants of the Neighbourhood of Grassy Creek, Petition, Mecklenburg County, November 22, 1788, VLP; Inhabitants of Union, Newberry, and Laurens Districts, "Petition for the Repeal of the Law Relative to the Prevention of Obstructions to the Passage of Fish Up Tyger and Enoree Rivers," November 20, 1808, SCGAP.

141. Inhabitants, Petition, Halifax County, October 21, 1791; Inhabitants and Freeholders, Petition, Pittsylvania County, VLP.

142. Inhabitants of Powhatan and Cumberland, Petition, December 13, 1802, VLP; Inhabitants, Petition, Fluvanna County; Citizens of Amherst and Campbell, Petition, Amherst County; Inhabitants of Cumberland and Powhatan, Petition, Cumberland County, December 10, 1807, VLP.

143. Inhabitants of Bedford and Franklin, Petition, Bedford County, December 3, 1806, VLP.

144. Citizens, Counter-Petition, Lancaster County, January 4, 1833, VLP.

145. Inhabitants, Petition, Buckingham County, December 11, 1802, VLP.

146. Harry Watson, "Common Rights of Mankind," 17–18, 38–41.

147. See, e.g., Saunders and Clark, *Colonial and State Records of North Carolina,* 25:69; Inhabitants of Powhatan and Cumberland, Petition, Powhatan County, December 13, 1802, VLP.

148. Inhabitants, Petition, Campbell County, December 13, 1808, VLP.

149. See, e.g., McCord, *Statutes at Large of South Carolina,* 6:341; and Saunders and Clark, *Colonial and State Records of North Carolina,* 24:175–176.

150. Saunders and Clark, *Colonial and State Records of North Carolina,* 24:937–938.

151. Frederick Nash, *Revised Statutes of the State of North Carolina,* 2:185.

152. See, e.g., Inhabitants, Petition, Halifax County, October 21, 1791; and The Petition of Sundry Inhabitants, Nash and Washington Counties, November 20, 1810, box 3, folder: Joint Committee Reports (Props. and Grievances), NCGAR.

153. Inhabitants of Cumberland and Powhatan, Petition, Cumberland County, December 10, 1807, VLP.

154. On George Washington's fisheries, see, e.g., George Washington, "Remarks & Occurs. in Feby. [1770]"; Stevens, "To George Washington from Nathaniel Stevens, 3 May 1781"; Washington, "To George Washington from Lund Washington, 8 April 1778"; and Dalzell and Dalzell, *George Washington's Mount Vernon,* 62, 66.

155. Walsh, "Land Use," 243.

156. Benjamin Harrison, Petition, Charles City County, January 18, 1833, VLP; Dalzell and Dalzell, *George Washington's Mount Vernon,* 66, 285n.64.

157. Inhabitants of Caroline, Hanover, and King William, Petition, Caroline County, December 19, 1799, VLP.

158. Fishermen on the Potomac River, Petition, Fairfax County, December 14, 1816, VLP.

159. Inhabitants of Caroline, Hanover, and King William, Petition, Caroline County, December 19, 1799, VLP.

160. The Petition of Thomas Matthias, Chowan County, November 22, 1810; Report of the Committee of Propositions and Grievances, December 4, 1810, box 3, folder: Joint Committee Reports (Props & Grievances), NCGAR. According to the 1810 census, Matthias held 20 slaves, placing him among the top nine slaveholders in the district. Bennett with 31 slaves and Coffield with 51 were in the top four of district slaveholders and were among the largest slaveholders in the county, though with far fewer slaves than the largest plantation in Chowan, which held over 200 slaves. US census, 1810, Chowan County, North Carolina.

161. E. C. E. Potter and Pawson, *Gill Netting,* 5, 10–11; Gerstell, *American Shad,* 13–14, 23–31; Harry Watson, "Common Rights of Mankind," 36; Taylor, "Seiners and Tongers," 4–11; James L. Cox and George Wareham, Petition, Westmoreland County, March 9, 1838; William Cleary, Petition, Prince William County, March 11, 1839; Citizens, Receipt, Fairfax County, April 8, 1839, VLP.

162. Citizens, Petition, New Kent County, December 19, 1815, VLP.

163. Benjamin Harrison, Petition, Charles City County, January 18, 1833, VLP.

164. Proprietors and Occupiers of Fisheries on the Potomac River, Petition, December 17, 1817, VLP.

165. Residents, Petition, Fairfax County, December 20, 1836, VLP.

166. Petition of Thomas Mercer and Others, Camden County, 1810, box 3, folder: Petitions (Misc.), NCGAR.

167. Citizens, Petition, New Kent County, December 19, 1815, VLP.

168. Citizens of Norfolk and Princess Anne, Petition, Norfolk County, December 5, 1804, VLP.

169. Citizens, Counter-Petition, Norfolk County, December 7, 1804, VLP. On competing arguments about commercialization and the public good, see Kulik, "Dams, Fish, and Farmers," 44; and Harry Watson, "Common Rights of Mankind," 38–40.

Chapter 5 • The Liberty of Killing a Deer

1. The legal jargon *amicus curiae* literally means a friend of the court. It is defined as someone who is not party to a case but has a strong interest or views relevant to the issue. On American rejection of England's "bloody code," see Wilf, *Law's Imagined Republic,* 139–146, 194–195.

2. Thompson, *Whigs and Hunters,* 21–23; Carl J. Griffin, *Protest, Politics, and Work in Rural England,* 47; State v. Campbell, 168. The preamble to the Black Act (9 Geo. 1 c. 22) begins:

> Whereas several ill-designing and disorderly persons have of late associated themselves under the name of Blacks, and entered into confederacies to support and assist one another in stealing and destroying of deer, robbing of warrens and fishponds, cutting down plantations of trees, and other illegal practices, and have, in great numbers armed with swords, firearms, and other offensive weapons, several of them with their faces blacked, or in disguised habits, unlawfully hunted in the forests belonging to his Majesty, and in the parks of divers of his Majesty's subjects; and destroyed, killed, and carried away the deer; robbed warrens, rivers, and fishponds; cut down plantations of trees; and have likewise solicited several of his Majesty's subjects, with promises of money, and other rewards, to join them; and have sent letters, in fictitious names, to several persons, demanding venison and money, and threatening some great violence, if such, their unlawful demands, should be refused.

Quoted in Brayley and Britton, *The Beauties of England and Wales,* 6:296.

3. Lamplugh, *Politics on the Periphery,* 211.

4. State v. Campbell, 167–168.

5. Wilf, *Law's Imagined Republic,* 141–146.

6. Allan Greer draws a distinction between a colonial inner commons and an outer commons, which was "an area of settler hunting, timbering, foraging, and, above all, grazing that was arguably a more significant agent of dispossession than the fields and fences commonly associated with colonial settlement." See Greer, "Commons and Enclosure," 376.

7. Barlowe, "The first voyage made to the coasts of America," 13:240. See, also, Harriot, *Briefe and True Report,* 19–21, 31; and Sparke, "The Voyage made by M. John Hawkins Esquire," 125–126.

8. Ashe, *Carolina,* 21.

9. VerCauteren, "Deer Boom," 15–16; McCabe and McCabe, "Of Slings and Arrows," 22–26.

10. Andrew White, *Relation,* 6.

11. Alsop, *Character of the Province of Maryland,* 346.

12. McCabe and McCabe, "Of Slings and Arrows," 19–30; Ballard, "Predator-Prey Relationships," 252; Severinghaus and Brown, "History of the White-Tailed Deer in New York," 130–132; Cronon, *Changes in the Land,* 51; Lapham, "Their Complement of Deer-Skins and Furs," 173; Lapham, "Southeast Animals," 399–400; Henry M. Miller, "Living along the 'Great Shellfish Bay,'" 121; Mitchell, Hofstra, and Connor, "Reconstructing the Colonial Environment," 174; Fisher and Schubel, "The Chesapeake Ecosystem," 7. The North American deer population began to decline at the beginning of the colonial period, reaching its nadir of about 500,000 animals at the turn of the twentieth century. Numbers suggested for the current US deer population vary widely, from 15 to more than 25 million. Some researchers, though, are skeptical of the higher estimates. See McCabe and McCabe, "Recounting Whitetails Past," 15–18.

13. Edward Coke, *Institutes of the laws of England,* 304; William Nelson, *Laws of England Concerning the Game,* 252; Manning, *Hunters and Poachers,* 57, 81, 230–231; Qualification Act, 1541, *Statutes of the Realm,* 33 Hen.8, c. 6; Manwood, *Treatise of the Laws of the Forest*; Jacob, *Game Law,* vi–vii; Christian, *Treatise on the Game Laws,* 3–4.

14. *Some Considerations on the Game Laws,* 107–108; Marvin, "Slaughter and Romance," 228–229; Hanawalt, *Of Good and Ill Repute,* 144; Munsche, *Gentlemen and Poachers,* 5, 8–9, 164, 233–234; Baker and Hoelze, "Evolution of Population Genetic Structure of the British Roe Deer," 89–102; Emma Griffin, *Blood Sport,* 45–46, 106–108.

15. *A True Declaration,* 13. On the availability of Indian-produced deerskins, see, also, Barlowe, "The first voyage made to the coasts of America," 13:286; and Harriot, *Briefe and True Report,* 6–10.

16. [Durand of Dauphiné], *Frenchman in Virginia,* 117–118.

17. John Hammond, "Leah and Rachel," 10:291–292.

18. John Morris, *Profitable Advice,* 62.

19. Lawson, *New Voyage to Carolina,* 12–13.

20. John Morris, *Profitable Advice,* 62.

21. Munsche, *Gentlemen and Poachers,* 6–7, 159.

22. Hening, *Statutes at Large of Virginia,* 1:199.

23. Lund, *American Wildlife Law,* 19–20.

24. Kingsbury, *Records of the Virginia Company,* 3:170–171.

25. Ibid., 3:93.

26. Hening, *Statutes at Large of Virginia,* 1:255. Similar laws to prevent Native American gun use and hunting appeared in the New England colonies. See, e.g., Bartlett, *Records of the Colony of Rhode Island,* 1:81–82, 107, 113, 117, 225; Shurtleff and Pulsifer, *Records of the Colony of New Plymouth,* 11:254; Shurtleff, *Records of Massachusetts Bay,* 5:136–137, 230; and Trumbull and Hoadly, *Public Records of the Colony of Connecticut,* 1:46, 240.

27. Hening, *Statutes at Large of Virginia,* 1:457, 468, 518, 2:140–141.

28. A very early Rhode Island act instituting a closed season for deer in 1646 was designed not to restrict hunting but to ensure that wolves would be drawn to the baited wolf pits in the towns rather than to deer carcasses left in the woods. See Bartlett, *Records of the Colony of Rhode Island,* 1:85. Other early closed-season deer

laws were enacted in Massachusetts (1694) and Connecticut (1698). See Palmer, *American Game Protection,* 49.

29. Hening, *Statutes at Large of Virginia,* 3:180.

30. Ibid., 3:462–463.

31. Spelman, "Relation of Virginia," cvii.

32. Lawson, *New Voyage to Carolina,* 207.

33. Waselkov, "Evolution of Deer Hunting," 26.

34. Hening, *Statutes at Large of Virginia,* 1:174, 307, 2:185; Gill, *Leather Workers in Colonial Virginia,* 10–11. Similar laws were passed at the same time in Massachusetts. See Shurtleff, *Records of Massachusetts Bay,* 1:55, 2:117, 168.

35. Richards, *World Hunt,* 34–35.

36. Oglethorpe, *Provinces of South Carolina and Georgia,* 28–29.

37. [Stephens], *State of the Province of Georgia,* 6.

38. Braund, *Deerskins and Duffels,* 29, 34–39; Hudson, "Why the Southeastern Indians Slaughtered Deer," 167–170; Penna, *Nature's Bounty,* 89.

39. Beverley, *History and Present State of Virginia,* 125.

40. Catesby, *Natural History of Carolina,* 2:x.

41. Bartram, *Travels,* 184.

42. Beverley, *History and Present State of Virginia,* 126.

43. Hening, *Statutes at Large of Virginia,* 8:591–593.

44. McIlwaine and Kennedy, *Journals,* 3:23, 85, 184, 200.

45. Hooker, *Carolina Backcountry,* 31, 39, 47, 96.

46. Geist, *Deer of the World,* 284, 293; Sargent and Labisky, "Home Range of Male White-tailed Deer," 389, 395; Tyler Adam Campbell, "Movement Ecology of White-Tailed Deer," 27–30, 39; Innes, "Odocoileus virginianus."

47. Hening, *Statutes at Large of Virginia,* 1:199, 248, 2:96.

48. Ibid., 3:304. See, also, Saunders and Clark, *Colonial and State Records of North Carolina,* 23:434.

49. Hening, *Statutes at Large of Virginia,* 3:328.

50. Saunders and Clark, *Colonial and State Records of North Carolina,* 23:218–219, 775–776, 218–219.

51. Cooper, *South Carolina Statutes,* 4:310.

52. Candler, *Colonial Records of the State of Georgia,* 18:589.

53. Saunders and Clark, *Colonial and State Records of North Carolina,* 23:218–219, 113–114, 802.

54. On different forms of fire hunting, see, e.g., Burnaby, *Burnaby's Travels,* 147–149; and Chesney, *Last of the Pioneers,* 50–51.

55. Candler, *Colonial Records of the State of Georgia,* vol. 19, pt. 1, 288.

56. Saunders and Clark, *Colonial and State Records of North Carolina,* 23:656; Cooper, *South Carolina Statutes,* 5:124.

57. Saunders and Clark, *Colonial and State Records of North Carolina,* 24:134.

58. Ibid., 24:270.

59. Ibid., 23:219, 775–776. See, also, Hening, *Statutes at Large of Virginia,* 8:595–596.

60. Bull, Bull to Hillsborough.

61. Saunders and Clark, *Colonial and State Records of North Carolina,* 23:775–776.

62. Ibid., 23:218–219. See, also, "South-Carolina, Camden District, November Sessions, 1773, Presentments of the Grand Jury," December 8, 1773, *South Carolina Gazette and Country Journal,* n.p.

63. Candler, *Colonial Records of the State of Georgia,* 18:588.

64. "The Remonstrance, 1767," 231, 245–246. On deer hunters and frontier disorder, see Herman, *Hunting and the American Imagination,* 37–46; and Klein, *Unification of a Slave State,* 47–77.

65. Hooker, *Carolina Backcountry,* 214; Klein, *Unification of a Slave State,* 51; Bull to Hillsborough, quoted in Klein, *Unification of a Slave State,* 51.

66. Candler, *Colonial Records of the State of Georgia,* 18:589, 596.

67. Cooper, *South Carolina Statutes,* 4:310.

68. Saunders and Clark, *Colonial and State Records of North Carolina,* 23:802.

69. Ibid., 24:33, 24:268–70.

70. Cooper, *South Carolina Statutes,* 4:410–11.

71. Laws restricting deer hunting commonly made exceptions for those on the frontiers or those hunting for subsistence. See, e.g., Hening, *Statutes at Large of Virginia,* 5:61; and Saunders and Clark, *Colonial and State Records of North Carolina,* 24:596.

72. Bryan, "Interview with Bryan," 14; Draper, "Life of Boone," 2B 188. This encounter between Boone and the Shawnee has been retold by any number of Boone biographers. See, e.g., Filson, *Discovery,* 34–35; Thwaites, *Daniel Boone,* 74–78; Faragher, *Daniel Boone,* 79–81; and Aron, *How the West Was Lost,* 6, 18.

73. McQueen, "Interview with McQueen," 13C 121; Filson, *Discovery,* 35. On the effects of the deerskin trade and the expansion of Native American deer hunters into new, more productive hunting territories, see Piker, *Okfuskee,* 82; and Usner, *Indians, Settlers, and Slaves,* 173.

74. On the effects of hunting and other human disturbances on deer ranges, see Waselkov, "Evolution of Deer Hunting," 24–26; Sargent and Labisky, "Home Range of Male White-Tailed Deer," 389–390; and Karns et al., "Impact of Hunting Pressure," 120–121.

75. Filson, *Discovery,* 34–36; Draper, "Life of Boone," 2B 180, 3B 52; Hinderaker and Mancall, *At the Edge of Empire,* 161–165. For descriptions of Kentucky's faunal environment, see Imlay, *Topographical Description,* 217–220; and J. Stoddard Johnson, *First Explorations of Kentucky,* 75.

76. Aron, *How the West Was Lost,* 6–8; Richter, *Facing East from Indian Country,* 168; Richard White, *Middle Ground,* 187–189; Aron, "Pigs and Hunters," 187; and Rafinesque, *Annals of Kentucky,* 30–31.

77. Cartwright, *Backwoods Preacher,* 21.

78. McQueen, "Interview with McQueen," 121.

79. Aron, "Pigs and Hunters," 182.

80. Greer, "Commons and Enclosure," 382.

81. Bushman, "Markets and Composite Farms," 364–367; Perkins, "Consumer Frontier," 486–510; Aron, *How the West Was Lost,* 29–31.

82. Imlay, *Topographical Description,* 149.

83. Richard White, *Middle Ground,* 235; "Treaty Held at the Town of Lancaster," 41–79; Calloway, *Shawnees,* 45.

84. Sullivan, *Papers of Sir William Johnson,* 2:879.

85. Alan Taylor, *Divided Ground,* 40–42; Patrick Griffin, *American Leviathan*; Banner, *How the Indians Lost Their Land,* 157; William J. Campbell, *Speculators in Empire,* 5, 151–152, 182–196; Lindsay G. Robertson, *Conquest by Law,* 14–15.

86. Sparks, *Works of Benjamin Franklin,* 4:324–325.

87. Lowry, "Deposition"; James Robertson, "Deposition"; Sheidley, "Hunting and the Politics of Masculinity," 176; Lindsay G. Robertson, *Conquest by Law,* 14–15.

88. Richard Butler, "Letter of Richard Butler, June 10, 1773."

89. Murray, "Official Report, December 24, 1774," 371.

90. Woods, "Woods to Preston," 88.

91. Aron, *How the West Was Lost,* 27–28. On Dunmore's War and Kentucky lands, see Hinderaker, *Elusive Empires,* 193–199; and Grenier, *First Way of War,* 148–151.

92. Records, "Narrative," 4.

93. Brissot de Warville, *New Travels,* 463–464.

94. McQueen, "Interview with McQueen," 119–120.

95. Morrison, "Interview with Mrs. Morrison," 151–152.

96. Perkins, *Border Life,* 62–65, 75–77.

97. McQueen, "Interview with McQueen," 119; Black, "Interview with Major Black"; Bushman, "Markets and Composite Farms in Early America," 364–367; Kulikoff, "Transition to Capitalism," 134.

98. Records, "Narrative," 23.

99. Perkins, "Consumer Frontier," 497.

100. Draper, "Life of Boone," 2B 39–40.

101. Aron, *How the West Was Lost,* 122; Jordan and Kaups, *American Backwoods Frontier,* 1–7; Herman, *Hunting and the American Imagination,* 55–60.

102. Imlay, *Topographical Description,* 136.

103. Nuttall, *Journal of Travels,* 13:58–59. See, also, Faux, *Faux's Memorable Days in America,* pt. 1, 11:203–204.

104. Shane, "Memoranda on Indian Warfare," 192–193.

105. Lewis Brantz, "Memoranda of a Journey," 3:344.

106. On pioneering as a "paramilitary occupation," see Faragher, *Sugar Creek,* 26.

107. "Abstract of a Talk . . . at Toquah," July 29, 1769. On John Stuart's role in regulating the Virginia-Cherokee frontier, see Alden, *John Stuart,* 262–293.

108. Seed, *Ceremonies of Possession,* 16–40; Tomlins, "Many Legalities of Colonization," 4; Cronon, *Changes in the Land,* 54–81.

109. Higginson, *New-Englands Plantation,* 12.

110. Johnson, *Nova Britannia,* 11. See, also, Cushman, "Reasons and Considerations," 243.

111. Robert Montgomery, *Discourse,* 7.

112. Lawson, *New Voyage to Carolina,* 205.

113. Saunders and Clark, *Colonial and State Records of North Carolina,* 2:139–140.

114. Ibid., 2:172.

115. Ramsay, *Revolution of South Carolina,* 2:72.

116. Worthington, *Journals,* 25:684.

117. Bates, "Speech on the Indian Bill (1830)," 247.

118. Braund, *Deerskins and Duffels,* 42–43. On the political power of hunting to shape the landscape, see Hatley, *Dividing Paths,* 212–215.

119. Paulett, *Empire of Small Places,* 2, 27. Though Paulett argues that the geography of the deerskin trade was "formed out of an ongoing contest between Europeans, Indians, and Africans," he does not include the whitetails' participation in constructing that geography.

120. Braund, *Deerskins and Duffels,* 26–39; Richards, *World Hunt,* 38–39; Dunaway, *First American Frontier,* 32–36. On Choctaw Indians and the decline of the southeastern deerskin trade, see Richard White, *Roots of Dependency,* 69–96.

121. Patrick Griffin, *American Leviathan,* 22–27, 158; Banner, *How the Indians Lost Their Land,* 85–105.

122. Candler, *Colonial Records of the State of Georgia,* 18:588–590.

123. "Charles-Town, December 5," *South Carolina Gazette and Country Journal,* December 5, 1769; Governor William Bull, "An Act for the Preservation of Deer," *South Carolina Gazette and Country Journal,* April 3, 1770; "Commander in Chief Over the Said Province: A Proclamation," *South Carolina Gazette and Country Journal,* July 4, 1771.

124. Preston, "Preston to McDowell, May 27, 1774," 26.

125. Saunders and Clark, *Colonial and State Records of North Carolina,* 8:1–2; Hatley, *Dividing Paths,* 204; Oliphant, *Anglo-Cherokee Frontier,* 28; Richard White, *Roots of Dependency,* 110–111.

126. Alden, *John Stuart,* 261–262.

127. McIlwaine and Kennedy, *Journals,* 12:xi–xii.

128. "Board of Trade . . . Minutes," February 12, 1765.

129. Stuart, "Stuart to Lt. Gov. Bull re Indians," December 2, 1769.

130. Saunders and Clark, *Colonial and State Records of North Carolina,* 8:22.

131. "To Whom It May Concern, Cameron Issued to Ugayolah (Cherokee)," September 20, 1774.

132. Saunders and Clark, *Colonial and State Records of North Carolina,* 10:763–765.

133. Calloway, *American Revolution in Indian Country,* 43–46, 190–199.

134. Saunders and Clark, *Colonial and State Records of North Carolina,* 10:1005.

135. Ibid., 24:188–189.

136. Watkins and Watkins, *Digest of the Laws of Georgia,* 288.

137. Kappler, *Indian Affairs,* 2:9–16, 29–34, 51–55, 25–29.

138. Watkins and Watkins, *Digest of the Laws of Georgia,* 779–780.

139. Caswell, Caswell to Shelby, February 27, 1787, 1.

140. Hugh Montgomery, Montgomery to Rabun, July 3, 1817, 4.

141. Ibid., July 3, 1817, 5–6.

142. Johnson v. McIntosh; Banner, *How the Indians Lost Their Land,* 181–187; Lindsay G. Robertson, *Conquest by Law,* 98–116; Blake A. Watson, *Buying America From the Indians,* 272–295; Kades, "Great Case of *Johnson v. M'Intosh,*" 103–106.

143. Banner, *How the Indians Lost Their Land,* 221; Lindsay G. Robinson, *Conquest by Law,* xii, 133; Worcester v. Georgia, 31.

144. Worcester v. Georgia, 517.

145. Wirt, "Opinion, 1830," 8–9.

146. David Folsom, "From the *Missionary Herald*: Opinions and Feelings of the Choctaw in Regard to a Removal," *Cherokee Phoenix,* April 7, 1830, 4.

147. Cherokee Nation v. Georgia, 20.

148. An Aboriginal Cherokee, "Sketch of the Progress of the Aboriginal Cherokees," *Niles Weekly Register* 16, suppl. (July 20, 1818): 96.

149. See, e.g., Jefferson, *Writings,* 8:199.

150. Cherokee Nation v. Georgia, 20.

151. Aron, *How the West Was Lost,* 102–105.

Chapter 6 • In All Their Native Freedom

1. Ellsworth, *Washington Irving on the Prairie,* 3; Burstein, *Original Knickerbocker,* 254–259.

2. Barnes, "Hunting the Buffalo with Washington Irving," 51.

3. Irving, "Tour on the Prairies," xiv, 17–18.

4. "Extract of a letter from Capt. Thomas Anthony, dated Cantonment Gibson, (A.T.), July 1," *Cherokee Phoenix,* October 22, 1828, 4; LaVere, *Contrary Neighbors,* 56.

5. *American State Papers: Indian Affairs,* 2:236, 765, 697.

6. Ibid., 2:502.

7. Everett, "Speech of the Hon. Edward Everett," 281.

8. "Proposed Residence of the Indians," *Arkansas Gazette,* reprinted in *Niles Weekly Register,* May 22, 1830, 233.

9. Everett, "Speech of the Hon. Edward Everett," 288.

10. *American State Papers: Indian Affairs,* 2:502, 697.

11. "Proposed Residence of the Indians," *Niles Weekly Register,* May 22, 1830, 233; Everett, "Speech of the Hon. Edward Everett," 288.

12. *American State Papers: Military Affairs,* 5:21.

13. Covey, preface to *Cabeza de Vaca's Adventures,* 9–14; Cabeza de Vaca, *Relation,* 106–107.

14. Julyan, *Place Names of New Mexico,* 83–84; Gomera, "The Rest of this Voyage," 14:136–137.

15. Castañeda de Nájera, "Narrative," 382.

16. Oñate, "Oñate Expeditions," 228–229.

17. Hawkes, "Relation of the Commodities of Nova Hispania," 14:174; Montoya, *New Mexico in 1602,* 57.

18. Villagrá, *History of New Mexico,* 156–157.

19. Oñate, "Oñate Expeditions," 253.

20. Montoya, *New Mexico in 1602,* 55; Oñate, "Oñate Expeditions," 227–228; Benavides, *Memorial on New Mexico,* 54; Villagrá, *History of New Mexico, 1610,* 156.

21. Oñate, "True Account of the Expedition," 254; Montoya, *New Mexico in 1602,* 51; Escalante and Barrado, "Exploration of New Mexico, 1583," 156.

22. Argall, "Letter, June, 1613," 2:642.

23. Morton, *New English Canaan,* 14:236–237; Branch, *Hunting of the Buffalo,* 55–56.

24. Lawson, *New Voyage to Carolina,* 115–116; Brickell, *Natural History of North-Carolina,* 107–108.

25. Byrd and Ruffin, *Westover Manuscripts,* 81–82.

26. Ben A. Potter, Gerlach, and Gates, "History of Bison in North America," 6–8; Mathiesson, *Wildlife in America,* 62–63; Christopher Morris, "How to Prepare the Buffalo," 23–25.

27. Thomas Walker, "Journal," 43, 51, 57.

28. Filson, *Discovery,* 26; Humphreys, "Interview with Humphreys," 319.

29. Filson, "Adventures of Col. Daniel Boon," 35.

30. McQueen, "Interview with McQueen," 119.

31. Ketchum, *History of the Buffalo,* 2:79–81.

32. Morrison, "Interview with Mrs. Morrison," 151–152; Perkins, *Border Life,* 62–65, 75–77.

33. McQueen, "Interview with McQueen," 127.

34. Ketchum, *History of the Buffalo,* 80–81; Filson, *Discovery,* 21.

35. Carmony, "Spencer Records' Memoir," 339.

36. Imlay, *Topographical Description,* 94.

37. Filson, *Discovery,* 21.

38. Morse, *American Universal Geography,* 2:457; Adams, *Geography,* 164; Talbot, *History of North America,* 2:180–181.

39. Sibley, "Sport of Buffalo-Hunting," 4:94–95; Mark V. Barrow, *Nature's Ghosts,* 93–94.

40. James, *James's Account of S. H. Long's Expedition,* 17:148. Long's characterization of the Great Plains as a desert was neither new nor highly controversial in the 1820s. See Nichols and Halley, *Stephen Long,* 167–169.

41. Jefferson, "Description of Louisiana," 1:346.

42. Wilkinson, "Report on the Arkansaw," 2:548.

43. Farnham, *Travels,* 28:93.

44. Frémont, Hall, and Torrey, *Report,* 284.

45. Pattie, "Personal Narrative, 1824–1830," 18:49.

46. Gregg, *Gregg's Commerce of the Prairies,* 20:112.

47. Beckwourth, *Life and Adventures of James P. Beckwourth,* 40–41.

48. James, *James's Account of S. H. Long's Expedition,* 15:239.

49. Calloway, *One Vast Winter Count,* 291; Richard White, *It's Your Misfortune,* 23.

50. Marcy, *Exploration of the Red River,* 8:93–94, 103. See, also, *American State Papers: Indian Affairs,* 1:723; James, *James's Account of S. H. Long's Expedition*, 17:156; Frémont, Hall, and Torrey, *Report,* 15–16, 19, 27.

51. *American State Papers: Indian Affairs,* 2:606.

52. Isenberg, *Destruction of the Bison,* 32–33; Flores, "Bison Ecology," 471–476.

53. Gilpin, "Gilpin to Dole," 1:711.

54. Christopher Morris, "How to Prepare the Buffalo," 37; Flores, "Bison Ecology," 476.

55. See, e.g., *American State Papers: Indian Affairs,* 2:236, 697, 765.

56. Farnham, *Travels,* 28:96.

57. Marcy, *Prairie Traveler,* 155, 259, 267–269, 298.

58. Kansas State Board of Agriculture, *Biennial Report,* 3:54.

59. Frémont, Hall, and Torrey, *Report,* 282.

60. James, *James's Account of S. H. Long's Expedition,* 15:256.

61. On human-caused animal extinctions and nineteenth-century reactions to bison extermination, see Mark V. Barrow, *Nature's Ghosts,* 2–3, 80–84, 92–96.

62. Catlin, *Letters and Notes,* 1:260.

63. Haley, *Buffalo War,* 30–36; Cruse, *Battles of the Red River War,* 14–15.

64. Dixon, *Life and Adventures,* 206–207, 220–221; Baker and Harrison, *Adobe Walls,* 19–22; Haley, *Buffalo War,* 68–74.

65. Dixon, *Life and Adventures,* 220–221; Haley, *Buffalo War,* 71–73.

66. Dixon, *Life and Adventures,* 231–234; Haley, *Buffalo War,* 76–77.

67. Haley, *Buffalo War,* 77; A. H. L., "Indian Department: Indians and Negroes," *Voice of Peace,* September 1874, 84. Pope's comments were widely reprinted in a number of other magazines and newspapers. See, e.g., "Indian Matters," *Wichita Eagle,* July 23, 1874, 2; "News of the Week: West," *Bolivar (TN) Bulletin,* July 24, 1874, 1; and "The Indian Outbreak," *New York Tribune,* July 14, 1874, 1.

68. See, e.g., Marcy, *Prairie Traveler,* 234. Other emigrant guidebooks cautioned against an overreliance on bison for provisions. See, e.g., Hastings, *Emigrants' Guide,* 144.

69. Susan Newcomb, October 1865–January 1866, typescript, Newcomb Diaries.

70. Utley, *Life in Custer's Cavalry,* 53, 150.

71. Stanley, *Personal Memoirs,* 55.

72. *United States Army and Navy Journal and Gazette of the Regular and Volunteer Forces,* 26 June 1869, 705, quoted in Smits, "Frontier Army," 317.

73. Schofield, *Forty-Six Years in the Army,* 428. On the military's deliberate bison extermination efforts, see Smits, "Frontier Army," 312–338.

74. John Arnot, "The Last of the Buffalo," 2H471, EVC; Lott, *American Bison,* 176–177. Author James L. Haley credits Mooar with founding "the business of hide hunting." See Haley, *Buffalo War,* 21.

75. "Buffalo Hides: Some eight or ten months ago," *London Times,* August 17, 1872, 4.

76. "Bison Hides: History of Their Coming Into and Going Out of Use," *Shoe and Leather Reporter,* August 21, 1890, 456. M. Scott Taylor, using the 1872 *London Times* article as the key evidence, argues that the innovation came from English and German tanneries in 1870 or 1871. American tanners were unable to process the bison hides at that time, he notes. See Taylor, "Buffalo Hunt," 3168–3170. The following observation from an 1874 Kansas agricultural report seems to support this interpretation: "Attempts have been made from time to time to convert the buffalo hide into leather, but without much success; and probably has no very great value except for use as a robe." See Kansas, *1874 Biennial Report,* 55. David Smits contends that it was a Pennsylvania tannery that developed the process in 1871. See Smits, "Frontier Army," 326.

77. Most scholars agree on the general point that some early 1870s innovation in tanning made dry bison hides more marketable and encouraged their use, especially in industrial settings. They indicate that these new processes were probably developed by a number of firms in the United States and Europe at approximately the same time. Isenberg, *Destruction of the Bison,* 132; McHugh, *Time of the Buffalo,* 253. A dissent comes from John Hanner, who argues that "there is no reason to think the tanning of buffalo hide posed any special problem for tanners or required special innovations in the tanning process." See Hanner, "Buffalo Hide Trade, 1871–1883," 243.

78. Charles Goodnight, "My Remembrances and What I know about Buffalo," typescript, box 2H469, folder 6, EVC.

79. P. C. Wellborn, Interview, January 21, 1932, box 2H484, EVC; Pace, *Buffalo Days,* 70.

80. "Miscellaneous," *Chicago Tribune,* February 5, 1872, 4; Isenberg, *Destruction of the Bison,* 108, 136.

81. Isenberg, *Destruction of the Bison,* 108, 136.

82. Worman, *Gunsmoke and Saddle Leather,* 136–149.

83. John Bertie Cator, Letter, September 29, 1874, vol. 1, Cator Papers.

84. Wellborn, Interview, January 21, 1932, box 2H484, EVC.

85. Pace, *Buffalo Days,* 70–71; A. G. L., "Western Correspondence: Buffalo Meat and Buffalo Hunting," *Reformed Church Messenger,* January 1, 1873, 5.

86. "Santa Fe: Railroad Progress in the South West," *Chicago Tribune,* March 27, 1873, 2; Cody and Cooper, *Memories of Buffalo Bill,* 110; Richardson, *West from Appomattox,* 73.

87. "News of the Week," *Saline County (KS) Journal*, November 28, 1872, 2; "Buffalo Hunting," *Harper's Weekly,* December 14, 1867, 797–798; "Miscellaneous Telegrams," *New York Times,* October 9, 1868, 3.

88. "Ticket Agents Excursion: A Big Buffalo Hunt," *Chicago Tribune,* October 29, 1868, 2.

89. "A Grand Buffalo Hunt," *Emporia (KS) News,* August 29, 1873, 3; "Buffalo Hunt," *Emporia (KS) News,* September 20, 1872, 3.

90. "Slaughter of Buffaloes," *Harper's Weekly,* February 24 1872, 165–166.

91. Ibid.

92. Charles Goodnight, "My Remembrances and What I know about Buffalo," typescript, folder 6, box 2H469, EVC.

93. "News of the Week," *Saline County (KS) Journal,* November 28, 1872, 2.

94. Kime, *Colonel Richard Irving Dodge,* 178; Dodge, *Plains of the Great West,* 133.

95. "Southwest," *Emporia (KS) News,* July 25, 1873, 2.

96. *Wichita City Eagle,* November 20, 1873, 3; "The Southwest," *Emporia (KS) News,* February 7, 1873, 2; Sandoz, *Buffalo Hunters,* 152. Railroads were not the only means of transportation for buffalo hides headed east. Hunters also hauled hides by wagon to merchants in New Mexico, Texas, and Colorado. See Isenberg, *Destruction of the Bison,* 138.

97. Dixon, *Life and Adventures,* 86. See, also, Pace, *Buffalo Days,* 37–38; Charles Goodnight, "Notes on Buffalo, With Additional Notes on the Early West," box 2H469, folder 7, EVC.

98. Dixon, *Life and Adventures,* 86, 110–118, 124–125, 143.

99. Ibid., 144.

100. Isenberg, *Destruction of the Bison,* 138; Pace, *Buffalo Days,* 36–37; Dixon, *Life and Adventures,* 144–146.

101. "Bison Hides: History of their Coming Into and Going Out of Use," *Shoe and Leather Reporter,* August 21, 1890, 456.

102. Isenberg, *Destruction of the Bison,* 156–160.

103. Receipt from Rath & Company to Jim Cator, January 26, 1875, vol. 2, Cator Papers.

104. John B. Cator letters, September 29 and October 18, 1874, vol. 1, and January 4, 1875, vol. 2, Cator Papers.

105. H. Allen Anderson, "Cator, James Hamilton"; Dixon, *Life and Adventures,* 149; Pace, *Buffalo Days*, 36–37.

106. Pace, *Buffalo Days,* 36.

107. Dixon, *Life and Adventures,* 124, 146.

108. Pace, *Buffalo Days,* 37.

109. Smits, "Frontier Army," 328.

110. E. C. Lefebvre to Miles, June 14, 1874, quoted in Haley, *Buffalo War,* 97.

111. Dixon, *Life and Adventures,* 189–193.

112. Haley, *Buffalo War,* 60; Pace, *Buffalo Days,* 45–47; Cruse, *Battles of the Red River War,* 15. Indian attacks on buffalo hunters were widely reported in the years prior, as well. See, e.g., "Murder of Buffalo Hunters by Indians," *New York Times,* May 29, 1869, 1; Emiline B. Allen, Letter to the Editor, *Wichita City Eagle,* April 10, 1873, 4; and "The Indian Panic: Homesteaders Abandoning Their Homes and Coming Into the Settlements. Eight Men In All Killed and Scalped," *Topeka (KS) Commonwealth,* June 24, 1874.

113. Haley, *Buffalo War,* 70; Cruse, *Battles of the Red River War,* 15; Dixon, *Life and Adventures,* 213; Chalfant, *Cheyennes at Dark Water Creek,* 37–38; Hämäläinen, *Comanche Empire,* 337.

114. "The Indians. Stories of Outrages Not Credited," *Chicago Tribune,* June 25, 1874, 12.

115. "The Indian Scare: The Latest News from the Front. Mail Carrier Chased by Indians. A Lady's Account of the Demonstrations of the Savages. Are They Indians or White Men?" *Topeka (KS) Commonwealth,* June 28, 1874.

116. "The Indian Scare Over," *Topeka (KS) Commonwealth,* June 26, 1874.

117. John D. Miles to James Haworth, June 29, 1874, Cheyenne and Arapaho Agency Records Microfilm, 8.

118. "The Indian Troubles," *Wichita Eagle,* July 9, 1874, 2.

119. "Indians on the Warpath," *Dallas Daily Herald,* June 30, 1874, 1.

120. *Daily Express,* July 7, 1874, 2.

121. "A Train Captured. Men Burned Alive!" *Topeka (KS) Commonwealth,* July 10. 1874.

122. "From the Indian Territory," *Austin (TX) Weekly Democratic Statesmen,* May 21, 1874.

123. "Indians on the Frontier," *Dallas Daily Herald,* July 16, 1874, 2.

124. "The Indians. A Train Captured Near Baker's Ranch and Four Men Killed," *Leavenworth (KS) Times,* July 16, 1874, 1.

125. "More Indian Murders," *Topeka (KS) Commonwealth,* June 27, 1874.

126. "The Indian War in the Southwest," *Topeka (KS) Commonwealth,* July 7, 1874; *Austin (TX) Weekly Democratic Statesmen,* July 16, 1874, 3.

127. John Cator to Arthur (Bob) Cator, July 28, 1874; [Louisa] Cator letter, September 23, 1874; John Cator to Jim and Arthur (Bob) Cator, September 29, 1874, vol. 1, Cator Papers.

128. Haley, "Red River War"; Haley, *Buffalo War,* 99; "Gen. Sheridan Believes in an Offensive Policy," *Chicago Tribune,* July 18, 1874, 6; "The Indians: Condition of Affairs on the Frontier," *New York Times,* July 26, 1874, 1.

129. Delano, *Annual Report,* 688. Delano's statement is often quoted in historical studies as evidence of an explicit government policy of bison extermination as a tactic to suppress Indian resistance. The full quotation, however, reveals that his main charge was directed at the trespasses by white buffalo hunters.

130. Mooney, *Calendar History,* 175–176.

131. "Slaughtered for the Hide," *Harper's Weekly,* December 12, 1874, 1022–1023; "Sketches in the Far West," *Harper's Weekly,* March 21, 1874, 260–261.

132. John B. Cator to Jim and Arthur (Bob) Cator, September 29, 1874, vol. 1, Cator Papers.

133. Hämäläinen, *Comanche Empire,* 337; Baker and Harrison, *Adobe Walls,* 45.

134. Dodge, *Our Wild Indians,* 286.

135. Hämäläinen, *Comanche Empire,* 2, 37–67; Flores, "Bison Ecology," 471–473.

136. Samuel P. Newcomb, January 1, 1865, typescript, Newcomb Diaries; Susan E. Newcomb, January 29–May 31, 1871, Newcomb Diaries.

137. Cozzens, introduction to *Eyewitness to the Indian Wars,* 3:xxiv–xxvii.

138. US Congress, Report of Indian Peace Commissioners, 4–16.

139. Kappler, *Indian Affairs,* 2:892–895, 977–989.

140. Hämäläinen, *Comanche Empire,* 313; Oman, "The Beginning of the End," 40–41.

141. Kappler, *Indian Affairs,* 2:892–895, 977–989.

142. For references to hunting grounds, see the 1785 Treaty with the Wyandot, the 1786 Treaty with the Choctaw, the 1808 Treaty with the Osage, and the 1831 Treaty with the Menominee, among others in Kappler, *Indian Affairs,* 2:7, 12, 14, 42, 96, 332.

143. Ibid., 2:980.

144. US Congress, Report of Indian Peace Commissioners, 18.

145. Hämäläinen, *Comanche Empire,* 324.

146. Ibid., 325–326; Rand, *Kiowa Humanity,* 40; Battey, introduction to *Our Red Brothers,* xvii–xviii.

147. Tatum, *Our Red Brothers,* 24–26, 54.

148. Ibid., 30.

149. Ibid., 47.

150. Tatum to Cyrus Bede, March 12, 1872, KA 6, vol. 2, 159, KAR.

151. "Depredation Claims Record, 1851 to 1874," KA 6, vol. 1, 150–163; "Captives Recovered from Indians, 1860–1872," KA 6, vol. 1, 164, KAR.

152. Tatum to Col. Grierson, October 11, 1871, KA 6, vol. 2, 9–10, KAR.

153. Tatum to Enoch Hoag, February 11, 1870, KA 42, KAR.

154. Tatum to Hoag, January 22, 1872, KA 6, vol. 2; George H. Smith, Acting Agt. to Enoch Hoag, November 27, 1871, KA 6, vol. 2; Smith to Hoag, December 9, 1871, KA 6, vol. 2; Tatum to Hoag, February 17, 1872, KA 6, vol. 3, KAR. Others shared the view that the destruction of bison would exacerbate conflicts with the Indians. See, e.g., McCormick, "Restricting the Killing of the Buffalo," 180; and Buff Thompson, "The Buffalo: Why They Should Be Perpetuated, and Not Wantonly Destroyed," *Chicago Daily Tribune,* March 7, 1873, 7.

155. Ely S. Parker to Lawrie Tatum and Enoch Hoag, May 27, 1870, KA 42, KAR.

156. Tatum to "Dearest Friend," December 3, 1873, KA 42, KAR.

157. Bedford, "Reminiscences, 1926"; "Indian Panic," *Wichita Eagle,* July 9, 1874, 2; "The Quakers on Our Indian Situation," *Wichita Eagle,* July 23, 1874, 2.

158. "General Grant and the Legislature of Texas," *Dallas Herald,* March 15, 1873, 1.

159. Hämäläinen, *Comanche Empire,* 326. The Kiowa and Comanche refused to extend their agreements with the United States to the Texans since Texas was not

part of the country when the tribes first negotiated with the federal government and had, even more recently, seceded from the Union.

160. Nabokov, *Native American Testimony,* 175.

161. Hämäläinen, *Comanche Empire,* 337; Gwynne, *Empire of the Summer Moon,* 26, 271.

162. "The Indian Panic," *Troy Kansas Chief,* July 2, 1874, 2.

163. Richard Coke, Coke to Maxey, September 7, 1874, 3.

164. "The Indians: The Particulars of the Engagement on the Canadian River," *Chicago Tribune,* July 21, 1874, 8.

165. "Washington," *Dallas Daily Herald,* July 22, 1874, 1.

166. "Calling in the Peaceful Indians," *New York Times,* July 15, 1874, 5.

167. "Washington: The Indians, The Cheyennes Coming in to Darlington," *New York Times,* August 16, 1874, 1; "The Indians: The Particulars of the Engagement on the Canadian River," *Chicago Tribune,* July 21, 1874, 8; P. H. Sheridan, "Lieut.-Gen. Sheridan: His Annual Report as Commander of the Military," *Chicago Tribune,* November 11, 1874, 5; Cruse, *Battles of the Red River War,* 5, 17–18; Haley, *Buffalo War,* 106, 125, 185–196; Baker and Harrison, *Adobe Walls,* 72.

168. Isenberg, *Destruction of the Bison,* 138, 140.

169. Battey, *Quaker Among the Indians,* 71.

170. Nabokov, *Native American Testimony,* 175.

171. Flores, "Bison Ecology," 475–476, 479, 481–483; Isenberg, *Destruction of the Bison,* 2–3; Hämäläinen, "First Phase of Destruction," 101–111.

172. Allen, *History of the American Bison,* 470.

173. Flores, "Bison Ecology," 481–483.

174. Allen, *History of the American Bison,* 461–472; Gross, "Conservation Guidelines," 93–94; Isenberg, *Destruction of the Bison,* 66.

175. Bell, "A True Story of My Capture By, and Life With the Comanche Indians," Bell Reminiscences; Hämäläinen, *Comanche Empire,* 38, 269, 275–276.

176. Haley, *Buffalo War,* 127–136.

177. "The Indians: The Sweetwater Expedition. Gen. Miles' Victory Over the Savages," *Chicago Daily Tribune,* October 1, 1874, 3.

178. H. G. Lee and Lillie Robertson, Interview, January 15, 1921, Sullivan Reminiscences; Charles A. P. Hatfield, "The Comanche, Kiowa, and Cheyenne Campaign in Northwest Texas and MacKenzie's Fight in the Palo Duro Canyon, Sept. 26, 1874," typescript, Hatfield Report.

179. "The Hostile Indians: Dispatches from Col. M'Kenzie," *New York Times,* November 18, 1874, 5.

180. "Preparing for the Frontier," *Weekly Democratic Statesman,* February 4, 1875, 3; "The Indians: Surrender of a Kiowa Chief," *New York Times,* February 6, 1875, 1.

181. "Telegraphic Notes," *Austin (TX) Intelligencer-Echo,* April 5, 1875, 2.

182. Haley, *Buffalo War,* 188, 209; "The Comanche Surrender," *Washington (DC) Evening Star,* June 7, 1875, 1.

183. "Texas in Brief," *Dallas Weekly Herald,* March 27, 1875, 1; Haley, *Buffalo War,* 215–219; Cruse, *Battles of the Red River War,* 19–20; "The South," *Eaton Democrat,* June 3, 1875, 1; "Texas Facts and Fancies," *Weekly Democratic Statesman,* October 24, 1878, 2; "West and South," *Frontier Echo,* November 12, 1875, 2.

184. "Out West—Buffalo and Indian Hunting," *Weekly Democratic Statesman,* November 25, 1875, 1.

185. John Cator to Arthur and Jim Cator, October 18, 1874, vol. 1, Cator Papers.

186. Luella Harrah McEntire, Memoirs, 1937, box 2H471, EVC.

187. Charles Goodnight, "Notes on the Buffalo," box 2H469, folder 7, EVC.

188. A.C. Williams, Williams to Hon. E. P. [Edward Parmlee] Smith, Commissioner of Indian Affairs, [November 1876], KA 6, vol. 3, KAR. On the timing of the destruction of the southern and northern bison herds, see Tober, *Who Owns the Wildlife?*, 100–102.

189. Frank Collinson, "Description of a Buffalo Hunter," n.d., box 2H468, EVC; Frank Collinson, "The Last Buffalo Hunt," n.d., box 2H468, EVC.

190. James Haworth to A. C. Williams, Wichita Agency, November 18, 1878, KA 80, KAR.

191. "A Bill to Restrict the Killing of the Bison," H.R. 157 (1871); McCormick, "Restricting the Killing of the Buffalo," 179–180; Hornaday, *Extermination of the American Bison,* 514–521.

192. Dary, *Buffalo Book,* 122–127.

193. "Slaughtered for the Hide," *Harper's Weekly,* December 12, 1874, 1022–1023; "Slaughter of Buffaloes," *Harper's Weekly,* February 24, 1872, 165–166; "Sketches in the Far West," *Harper's Weekly,* March 21, 1874, 260–261; Buff Thompson, "The Buffalo," *Chicago Daily Tribune,* March 7, 1873, 7; *Daily New Mexican,* January 27, 1874, 1.

194. Hunt, "Report of P. B. Hunt . . . August 30, 1879," 65.

195. Hornaday, *Extermination of the Bison,* 525.

196. Bedford, "Why It Was Right for the Buffalo to Be Killed Out," Bedford Reminiscences.

197. Evans, "Buffalo in Texas," 1931, J. F. Evans Narrative.

198. Pace, *Buffalo Days,* 63.

199. J. L. Lackey to Edmund Seymour, March 1, 1918, Col. Charles Goodnight Correspondence with Edmund Seymour, President of the American Bison Society, box 2H469, EVC.

200. Isenberg, *Destruction of the Bison,* 176; Hunt, "Hunting Charles Goodnight's Buffalo," 6–7.

201. Lackey to Seymour, March 1, 1918; Charles Goodnight, Notes on the Buffalo with additional notes concerning the Early West, dictated to L.V.H., box 2H469, folder 7, EVC.

202. Goodnight, *Old Texas.*

203. Quanah Parker (per Laura Parker) to the Legislature of Texas, January 19, 1909; Quanah Parker (per Laura Parker) to S. B. Burnett, January 1909, Quanah Parker Letters.

204. S. B. Burnett to L. J. Worthington and W.B. Fitzhugh, Members Thirty-First Legislature, Austin, Texas, January 25, 1909, Quanah Parker Letters.

205. Goodnight, Notes on the Buffalo with additional notes concerning the Early West, dictated to L.V.H., box 2H469, folder 7, EVC.

206. Kracht, "Kiowa-Comanche-Apache Opening"; Lone Wolf v. Hitchcock, 187.

207. O'Dell, "Wichita Mountains National Wildlife Refuge"; Hornaday, "Report of the President," 1–2; Mark V. Barrow, *Nature's Ghosts,* 108–114; Montgomery, *Discourse,* 6–7.

Epilogue

1. Roosevelt, *Hunting Trips of a Ranchman,* 262, 265–267, 269–270.

2. "New Publications: *Hunting Trips of a Ranchman,*" *Forest and Stream,* July 2, 1885, 451.

3. Philippon, *Conserving Words,* 53.

4. Roosevelt, *Wilderness Hunter,* 449.

5. "Pelican Island National Wildlife Refuge."

6. "Government Ownership of the Buffalo," *Forest and Stream,* July 1, 1905, 1.

7. Fischman, *National Wildlife Refuges,* 35; Butcher, *America's National Wildlife Refuges,* 161; Franke, *To Save the Wild Bison,* 62, 247; "Theodore Roosevelt and Conservation." On bison as a modern conservation symbol, see Mark V. Barrow, *Nature's Ghosts,* 346. The bison's continuing significance in American national culture was evidenced by the 2016 passage of the National Bison Legacy Act. See Elahe Izadi, "It's Official: America's First National Mammal is the Bison," *Washington Post,* May 9, 2016.

8. Bean and Rowland, *Evolution of National Wildlife Law,* 19–20; Wright, *Wildlife Research and Management,* 46; Petersen, "Congress and Charismatic Megafauna," 467–469.

9. Lueck, "Wildlife: Sustainability and Management," 145.

10. Louis Warren, *Hunter's Game,* 23; Bean and Rowland, *Evolution of National Wildlife Law,* 15, 20; Cowdrey, *This Land, This South,* 135–146.

11. To be sure, many game-law opponents (and some historians) argued that some of the first modern hunting and fishing laws were motivated by class interests, ethnocentrism, or racism, not necessarily democratic impulses. Early twentieth-century laws that prohibited hunting of songbirds by immigrants, for example, appear to be rather compelling evidence of such a bias. The rhetoric of conservation and the overall trajectory of wildlife legislation, however, have tended to emphasize the principle of wildlife as a public good available to all. See, e.g., "The Working of the No-Sale Law," *Outing,* January 1898, 401; Hornaday, *Our Vanishing Wildlife,* 206–207; Tober, *Who Owns the Wildlife,* 1; and Freyfogle, *The Land We Share,* 35.

12. Teale, *Circle of Seasons,* 21–22.

13. Tomlins, *Freedom Bound,* 133–134.

14. On modern wildlife restoration projects and "tameness," see Beinart and Coates, *Environment and History,* esp. 108–111.

15. Averill, "Federal Plan."

16. Miller, Muller, and Demarais, "White-tailed Deer," 921. The classic studies of relationships between deer populations and human environmental alterations, including predator control, come from the "founding father" of wildlife management, Aldo Leopold. See, e.g., Leopold, "Deer Irruptions," 1–11.

17. Baker and Hill, "Beaver (*Castor canadensis*)," 288.

18. Isenberg, *Destruction of the Bison,* 176–183; "Department of the Interior Bison Report."

19. Roosevelt, *Outdoor Pastimes of an American Hunter,* 327, 346, 348.

20. Thoreau, *Journal,* 372.

21. Muir, *Our National Parks,* 16.

22. Roosevelt, *Wilderness Hunter,* 4–5.

23. An Act to establish a National Wilderness Preservation System (1964); Harvey, *Wilderness Forever,* 202–204.

24. See, esp., Raymond Williams, "Ideas of Nature," 67.

25. Cronon, "The Trouble with Wilderness," 69, 80–90. The "wilderness debate" that was, in part, precipitated by Cronon's article and Ramachandra Guha's earlier essay has generated a wide range of responses from scientists, environmental activists, philosophers, historians, and others. In addition to the essays in Cronon's edited volume *Uncommon Ground,* see, e.g., Guha, "Radical American Environmentalism and Wilderness Preservation," 71–83; Callicott and Nelson, *The Great New Wilderness Debate*; Callicott and Nelson, *The Wilderness Debate Rages On*; Lewis, *American Wilderness*; Friskics, "Twofold Myth of Pristine Wilderness," 381–99; and James Morton Turner, *Promise of Wilderness*.

26. Foreman, "The Real Wilderness Idea," 33–34. The phrase "self-willed land" is attributed to Vest, "Will of the Land," 323–329.

27. Jack Turner, "In Wildness is the Preservation of the World," 617; Anna L. Peterson, *Being Animal,* 68. Conservation biologist David Waller goes further to assert that wildness is distinguishable from wilderness in that it "is not, and cannot be, a human construct." See Waller, "Getting Back to the Right Nature," 545.

28. On animal agency, see the essays in McFarland and Hediger, *Animals and Agency*; Shaw, "A Way With Animals," 1–12; and Brett L. Walker, "Animals and the Intimacy of History," 45–67.

29. Foreman, "Wilderness Areas for Real," 405.

30. Soulé and Noss, "Rewilding and Biodiversity," 21–22; Foreman, *Rewilding North America,* 4.

31. Monbiot, *Feral,* 9.

32. Cieslewicz, "Environmental Impacts of Sprawl," 34–35.

33. Baker and Hill, "Beaver (*Castor canadensis*)," 288; Lem Butler et al., "Findings Related to the March 2010 Fatal Wolf Attack," 7–8.

34. Bison herds in Yellowstone and elsewhere are political flashpoints. Of particular concern to livestock ranchers is brucellosis, a bacterial infection that causes abortions and infertility in cattle and is carried by some bison and elk in the Greater Yellowstone area. For that reason, bison movements are restricted outside the park. Overpopulation and culling within the park are also points of political contention. See, e.g., Brett French, "Park Service Wants Female Bison Removed from Northern Yellowstone Herd," *Billings Gazette,* December 28, 2012. On brucellosis, see, US Department of Agriculture, "Brucellosis and Yellowstone Bison."

Abbreviations

DBC	Dolph Briscoe Center for American History, University of Texas at Austin
EVC	Earl Vandale Collection
KAR	Kiowa Agency Records
LDC	Lyman C. Draper Manuscript Collection
NCDAH	North Carolina Division of Archives and History, Raleigh
NCGAR	North Carolina General Assembly Records
SCGAP	South Carolina General Assembly Petitions
VLP	Virginia Legislative Petitions

Manuscript Sources

"Abstract of a Talk from the Headman and Great Ruling Chiefs of the Cherokee Nation to John Stuart Esq. Superintendent for the Southern District dated at Toquah 29 July 1769." Original Correspondence. Secretary of State. Indian Affairs, Surveys, etc., 1769–1770, CO 5/1348. Foreign Archives, British Records. NCDAH.

Bacon, Nathaniel. "The Declaration of the People of Virginia [against the Governor]." August 3, 1676. CO 1/37, no. 41. Colonial State Papers. proquest.com.

——. "Nathaniel Bacon, His Manifesto Concerning the Present Troubles in Virginia." September [15?], 1676. CO 1/37, no. 51. Colonial State Papers. proquest.com.

Barrow, David. "Journal of a Baptist Preacher's Trip from his home in Virginia to the western country, May 5–September 1, 1795." Microform. 12CC 163–184. LDC.

Bedford, Hilory G., Reminiscences. Undated. DBC.

Bell, Bianca Babb, Reminiscences, Undated. DBC.

Berkeley, William. "Governor Sir William Berkeley to [Thomas] Ludwell." April 1, 1676. CO 1/36, no. 37. Colonial State Papers. proquest.com

Black, [——]. "Interview with Major Black [n.d.]." By John D. Shane. Microform. 12CC 151–152. LDC.

"Board of Trade and Plantations, Minutes (commercial)." February 12, 1765. CO 391/72. Foreign Archives, British Records. NCDAH.

Bryan, Daniel Boone. "Interview with Daniel Boone Bryan [1844?]." Microform. 22C14. By John Shane. LDC.

Cator, John B. and Robert, Papers, 1845–1881. DBC.
Caswell, Richard. Caswell to Evan Shelby, February 27, 1787. Reuben T. Durrett Collection on Kentucky and the Ohio River Valley, Special Collections Research Center, University of Chicago Library. American Memory. memory.loc.gov.
Coke, Richard. Richard Coke to Samuel Bell Maxey, September 7, 1874. Records of Richard Coke, Texas Office of the Governor, Archives and Information Services Division, Texas State Library and Archives Commission. www.tsl.texas.gov/exhibits/indian/showdown/coke-maxey-sep1874-1.html.
Draper, Lyman C. "The Life of Boone Manuscript." Microform. Vols. 1-5B. LDC.
——. Manuscript Collection. Microfilm ed., 1949. State Historical Society of Wisconsin, Madison.
Evans, J. F. Narrative, 1931. DBC.
General Assembly Petitions, 1782–1866. Series S165015. South Carolina Department of Archives and History, Columbia. archives.sc.gov.
General Assembly Records. State Archives of North Carolina, Raleigh.
Goodnight, Charles, Papers, 1882–1939. DBC.
"Grievances of the inhabitants in general, that is to say, housekeepers and freeholders of Northampton County, committed to their burgesses to present to the Governor, Council, and Burgesses of Virginia." March 1677. CO 1/39, Nos. 74, 75. Colonial State Papers. proquest.com.
Hatfield, Charles A.P., Report, 1874. DBC.
Humphreys, D.C. "Interview with D. C. Humphreys, Woodford County, Kentucky [1854]." By John Dabney Shane. Microform. 16CC292-296, 16CC318-321. LDC.
"Instructions for such things as are to be sent from Virginia with notes for their preservation, and the prices they sell for in England, [1610]." CO 1/1, No. 23. Colonial State Papers. proquest.com.
"Instructions to Andrew Percivall and Maurice Mathews from the Proprietors of Carolina." March 9, 1681. CO 5/286, 164–165. Colonial State Papers. proquest.com.
Jones, Roger. "Roger Jones to Peter Perry." January 1, 1692. CO 5/1306, no. 7. Colonial State Papers. proquest.com.
Kiowa Agency Records Microfilm. Indian Archives Collection, Oklahoma Historical Society, Oklahoma City.
McQueen, Joshua. "Interview with Joshua McQueen, Kentucky [n.d.]." By John D. Shane. Microform. 13CC 115–129. LDC.
Miles, John D. John D. Miles to James Haworth, June 29, 1874. Cheyenne and Arapaho Agency Records. Microform. CAA 8. Indian Archives Collection, Oklahoma Historical Society, Oklahoma City.
Montgomery, Hugh. Hugh Montgomery to William Rabun, July 3, 1817. Galileo Digital Library of Georgia, Southeastern Native American Documents, 1730–1842. http://dlg.galileo.usg.edu.
Morrison, [——]. "Interview with Mrs. Morrison, Fayette County, Kentucky [n.d.]." By John D. Shane. Microform. 11CC 150–154. LDC.
Newcomb, Samuel P., and Susan E. Diaries, 1865–1873. DBC.
Parker, Quanah. Letters, 1909. DBC.
"A Proposition Concerning the Winning of the Forest, signed by Sam. Mathews and Will. Claybourne." Enclosure 2 in "Governor Sir Francis Wyatt and Council of

Virginia to the Privy Council." May 17, 1626. CO 1/4, no. 10. Colonial State Papers. proquest.com.
Records, Spencer. "A Brief Narrative giving an account of the time and place of the birth of Spencer Records, his movings and settlements . . . [1842]." Microform. 23CC 1-108. LDC.
Shane, John D. "Memoranda on Indian Warfare [n.d.]." Microform. 12CC 191–197. LDC.
Stuart, John. "Stuart to Lt. Gov. Bull re Indians." December 2, 1769. Original Correspondence. Secretary of State, Indian Affairs, Surveys, etc., 1769–1770. CO 5/71. Foreign Archives, British Records. NCDAH.
Sullivan, W. F. "Dick", Reminiscences, 1923. DBC.
"To Whom it May Concern, Cameron issued to Ugayolah (Cherokee)." September 20, 1774. Original Correspondence. Secretary of State, Indian Affairs, Surveys, etc., 1773–1774. CO 5/75. Foreign Archives, British Records. NCDAH.
Vandale, Earl. Collection. DBC.
Wirt, William. "Opinion on the right of the state of Georgia to extend her laws over the Cherokee nation, 1830." Galileo Digital Library of Georgia, Southeastern Native American Documents, 1730–1842. http://dlg.galileo.usg.edu.
Woods, Michael. "Michael Woods to Colonel William Preston, Finecastle [VA], 3 September 1774." Microfilm. 3QQ 88. LDC.
Virginia Legislative Petitions Digital Collection. Library of Virginia, Richmond, Virginia. virginiamemory.com/collections/petitions.

Court Cases

Cates v. Wadlington, 1 McCord 580 (S.C. 1822).
Cherokee Nation v. Georgia, 30 U.S. 1 (1831).
Crenshaw v. The Slate River Company, 27 Va. 245 (Sup. Ct. of Va., 1828).
Head v. Amoskeag Mfg. Co., 113 U.S. 9 (1885).
Johnson v. McIntosh, 21 U.S. 543 (1823).
Lone Wolf v. Hitchcock, 187 U.S. 553 (1903).
Shrunk v. Schuylkill Navigation Co., 14 Serg. & Rawle 71 (Pa. Sup. Ct. 1826).
State v. Campbell, 1 T.U.P. Charlt. 166 (Ga. Super Ct. 1808).
Worcester v. Georgia, 31 U.S. (6 Pet.) 515 (1832).

Newspapers and Magazines

Austin (TX) Intelligencer-Echo
Austin (TX) Weekly Democratic Statesman
Billings Gazette
Bolivar (TN) Bulletin
Cherokee Phoenix
Chicago Tribune
Daily New Mexican
Dallas Daily Herald
Dallas Herald
Eaton Democrat
Emporia (KS) News
Forest and Stream

Harper's Weekly
Jacksboro (TX) Frontier Echo
Leavenworth (KS) Times
London Times
New York Times
Niles Weekly Register
Outing
Reformed Church Messenger
Saline County (KS) Journal
Shoe and Leather Reporter
South Carolina Gazette and Country Journal
Topeka (KS) Commonwealth
Troy Kansas Chief
United States Army and Navy Journal and Gazette of the Regular and Volunteer Forces
Voice of Peace
Washington (DC) Evening Star
Washington (DC) Post
Wichita Eagle

Published Sources

Acosta, José de. *The Natural and Moral History of the Indies*. 1590. Translated by Frances López-Morillas. Edited by Jane E. Mangan. Durham, NC: Duke University Press, 2002.

An Act to establish a National Wilderness Preservation System for the Permanent Good of the Whole People, and for Other Purposes. Pub. L. 88-577, 78 Stat. 890. 1964.

Adams, Daniel. *Geography; Or, A Description of the World, in Three Parts*. Boston: Lincoln and Edmunds, 1818.

Adams, Percy G. "John Lawson's Alter-Ego—Dr. John Brickell." *North Carolina Historical Review* 34 (July 1957): 313–326.

Adkins, Howard G. "Allegheny Plateau." In *e-WV: The West Virginia Encyclopedia*. Article published December 7, 2010. www.wvencyclopedia.org/articles/198.

"Advertisement concerning the settlement of the Cape Fear Area, 1666." In Saunders and Clark, *Colonial and State Records of North Carolina,* 1:153–154.

Alden, John Richard. *John Stuart and the Southern Colonial Frontier: A Study of Indian Relations, War, Trade, and Land Problems in the Southern Wilderness, 1754–1775*. Ann Arbor: University of Michigan Press, 1944.

Allen, Joel. *History of the American Bison: Bison Americanus*. Washington DC: Government Printing Office, 1877.

Alsop, George. *A Character of the Province of Maryland*. 1666. Reprint. Cleveland, OH: Burrows Brothers, 1902.

American State Papers: Indian Affairs. Vol. 2. Washington, DC: Gales and Seaton, 1834.

American State Papers: Military Affairs. Vol. 5. Washington, DC: Gales and Seaton, 1860.

Anderson, H. Allen. "Cator, James Hamilton." In *Handbook of Texas Online*. Texas State Historical Association. June 12, 2010. www.tshaonline.org/handbook/online/articles/fca95.

Anderson, Virginia DeJohn. "Animals into the Wilderness: The Development of Livestock Husbandry in the Seventeenth-Century Chesapeake." *William and Mary Quarterly* 59, no. 2 (April 2002): 341–376.

——. *Creatures of Empire: How Domestic Animals Transformed Early America*. New York: Oxford University Press, 2006.

Andrews, Charles McLean, ed. *Narratives of the Insurrections, 1675–1690*. New York: Charles Scribner's Sons, 1915.

Angell, Joseph Kinnicut. *A Treatise on the Common Law, In Relation to Our Water Courses*. Boston: Wells and Lilly, 1824.

[Archer, Gabriel]. "A Description of the Now-Discovered River and Country of Virginia, with the Liklyhood of Ensuing Ritches, by England's Ayd and Industry." 1607. Reprinted in *Virginia Magazine of History and Biography* 14 (1907): 374–378.

Archer, Gabriel. *Gosnold's Settlement at Cuttyhunk: The Relation of Captain Gosnold's Voyage to the North Part of Virginia . . .* Boston: Old South Work, 1902.

Argall, Samuel. "Letter of Sir Samuel Argoll [*sic*] touching his Voyage to Virginia and actions there. Written to Master Nicolas Hawes, June, 1613." Reprinted in *The Genesis of the United States,* vol. 2, edited by Alexander Brown, 640–644. Boston: Houghton, Mifflin, 1890.

Armstrong, David. "The Genealogical Correspondence of David Armstrong." pages.swcp.com/~dhickman/notes/gennotes.html.

Armstrong, Philip, and Laurence Simmons. "Bestiary: An Introduction." In *Knowing Animals,* edited by Laurence Simmons and Philip Armstrong, 1–24. Boston, MA: Brill, 2007.

Aron, Stephen. *How the West Was Lost: The Transformation of Kentucky from Daniel Boone to Henry Clay*. Baltimore, MD: Johns Hopkins University Press, 1996.

——. "Pigs and Hunters: 'Rights in the Woods' on the Trans-Appalachian Frontier." In *Contact Points: American Frontiers from the Mohawk Valley to the Mississippi, 1750–1830,* edited by Andrew Cayton and Fredrika Teute, 175–204. Chapel Hill: University of North Carolina Press, 1998.

"Articles of peace and friendship . . . agreed upon the 5th day of July 1652." In Browne et al., *Archives of Maryland,* 3:277–278.

Ashe, Thomas. *Carolina: or A Description of the Present State of that Country . . . .* London: Privately published, 1682. Early Encounters in North America. S2608.

Asúa, Miguel de, and Roger French. *A New World of Animals: Early Modern Europeans and the Creatures of Iberian America*. Aldershot, UK: Ashgate, 2005.

Averill, A. F. "Federal Plan to Wipe Out Predatory Beasts Succeeds." *Oregonian.* April 29, 1917. Oregon Historical Society. *Oregonian* Collection. www.ohs.org/education/oregonhistory/historical_records.

Bacqueville de la Potherie, Claude-Charles Le Roy. "Letters of La Potherie." In *Documents Relating to the Early History of Hudson's Bay,* edited by J. B. Tyrrell, 145–292. Toronto: The Champlain Society, 1931. Early Encounters in North America. S3150.

Bailyn, Bernard. *The New England Merchants in the Seventeenth Century.* Cambridge, MA: Harvard University Press, 1979.

Baker, Bruce W., and Edward P. Hill. "Beaver (*Castor canadensis*)." In Feldhamer, Thompson, and Chapman, *Wild Mammals,* 288–310.

Baker, Karis H., and A. Rus Hoelze. "Evolution of Population Genetic Structure of the British Roe Deer by Natural and Anthropogenic Processes (*Capreolus capreolus*)." *Ecology and Evolution* 3, no. 1 (January 2013): 89–102. www.ncbi.nlm.nih.gov/pmc/articles/PMC3568846.

Baker, T. Lindsay, and Billy R. Harrison. *Adobe Walls: The History and Archaeology of the 1874 Trading Post*. Canyon, TX: Panhandle Plains Historical Society, 1986.

Balch, Thomas Willing. *The Brooke Family of Whitchurch, Hampshire, England.* Philadelphia: Allen, Lane and Scott, 1899.

Baldwin, K. Huntress. "George Alsop." In *Southern Writers: A New Biographical Dictionary,* edited by Joseph M. Flora and Amber Vogel, 6–7. Baton Rouge: Louisiana State University Press, 2006.

Ballard, Warren. "Predator-Prey Relationships." In *Biology and Management of White-tailed Deer,* edited by David G. Hewitt, 251–285. Boca Raton, FL: CRC Press, 2011.

Banner, Stuart. *How the Indians Lost Their Land: Law and Power on the Frontier.* Cambridge, MA: Belknap, 2009.

Barlowe, Arthur. "The first voyage made to the coasts of America, with two barks, wherein were Captaines M. Philip Amadas and M. Arthur Barlowe, who discovered part of the Country now called Virginia Anno 1584 . . . . " In Hakluyt, *The Principal Navigations,* 13:282–293.

Barnes, John. "Hunting the Buffalo with Washington Irving: LaTrobe as Traveller and Writer." *LaTrobe Journal* 71 (Autumn 2003): 43–66.

Barrera-Osorio, Antonio. *Experiencing Nature: The Spanish American Empire and the Early Scientific Revolution*. Austin: University of Texas Press, 2006.

Barrough, Philip. *The Method of Physick: Contaning the Causes, Signes, and Cures of Inward Diseases in Mans Body, from the Head to the Foote*. London: Richard Field, 1624.

Barrow, Mark V. *Nature's Ghosts: Confronting Extinction from the Age of Jefferson to the Age of Ecology.* Chicago: University of Chicago Press, 2009.

Bartlett, John Russell, ed. *Records of the Colony of Rhode Island and Providence Plantations in New England.* New York: AMS Press, 1968.

Barton, Benjamin Smith. *Barton's Fragments of the Natural History of Pennsylvania, Part 1.* 1799. Edited by Osbert Salvin. London: Taylor and Francis, 1883.

Bartram, William. *Travels through North and South Carolina, Georgia, East and West Florida*. Philadelphia, PA: James and Johnson, 1791. Early Encounters in North America. S2699.

Batbold, J., N. Batsaikhan, S. Shar, G. Amori, R. Hutterer, B. Kryštufek, N. Yigit, G. Mitsain, and L. J. Palomo. *Castor fiber.* The IUCN Red List of Threatened Species. 2008: e.T4007A10312207. iucnredlist.org.

Bates, Isaac C. "Speech of the Hon. Isaac C. Bates, Representative from Massachusetts, Delivered in the House of Representatives . . . May 19, 1830." In Evarts, *Speeches,* 229–250.

Battey, Thomas C. Introduction to *Our Red Brothers and the Peace Policy of Ulysses S. Grant,* by Lawrie Tatum, vii–xix. Philadelphia: John C. Winston, 1899.

——. *Life and Adventures of a Quaker Among the Indians*. Boston: Lee and Shepard, 1875.

Bayard, Ferdinand M. "A Summer at Bath, 1791." In Morrison, *Travels in Virginia,* 81–89.

Bean, Michael J., and Melanie J. Rowland. *The Evolution of National Wildlife Law*. 3rd ed. Westport, CT: Greenwood, 1997.

Beckwourth, James P. *The Life and Adventures of James P. Beckwourth, Mountaineer, Scout, and Pioneer, and Chief of the Crow Nation of Indians*. Edited by T. D. Bonner. London, England: Harper and Brothers, 1856.

Beekman, Wilhelmus. Wilhelmus Beekman to Peter Stuyvesant, February 20, 1662. Reprinted in *Annals of Pennsylvania, 1609–1682,* edited by Samuel Hazard, 330–331. Philadelphia: Hazard and Mitchell, 1850.

Beeland, T. Delene. *The Secret World of Red Wolves: The Fight to Save North America's Other Wolf*. Chapel Hill: University of North Carolina Press, 2013.

Beinart, William, and Lotte Hughes. *Environment and Empire*. Oxford, UK: Oxford University Press, 2007.

Beinart, William, and Peter Coates. *Environment and History: The Taming of Nature in the U.S.A. and South Africa*. London: Routledge, 1995.

Belknap, Jeremy. *The History of New Hampshire*. Vol. 3. Boston: Belknap and Young, 1792.

Belmessous, Saliha, ed. *Native Claims: Indigenous Law Against Empire, 1500–1920*. New York: Oxford University Press, 2012.

Benavides, Alonso de. *Memorial on New Mexico in 1626*. Translated by Mrs. Edward E. Ayer. Annotated by Frederick Webb Hodge and Charles Fletcher Lummis. Chicago: R. R. Donnelley and Sons, 1916.

Benson, Adolph B., ed. *Peter Kalm's Travels in North America*. 1770. Translated by John Reinhold Forster. New York: Wilson-Erickson, 1937.

Benson, Etienne. "From Wild Lives to Wildlife and Back." *Environmental History* 16, no. 3 (July 2011): 418–422.

——. *Wired Wilderness: Technologies of Tracking and the Making of Modern Wildlife*. Baltimore, MD: Johns Hopkins University Press, 2010.

Benton, Lauren. *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900*. New York: Cambridge University Press, 2009.

Berkeley, William. *A Discourse and View of Virginia*. 1663. Reprint, Norwalk, CT: William H. Smith, 1914.

Berkes, Fikret, David Feeny, Bonnie J. McCay, and James M. Acheson. "The Benefits of the Commons." *Nature* 340, no. 6229 (July 13, 1989): 91–93.

Bernardos, D., D. R. Foster, G. Motzkin, and J. Cardoza. "Wildlife Dynamics in the Changing New England Landscape." In *Forests in Time: The Environmental Consequence of 1000 Years of Change in New England,* edited by D. Foster and J. Abers, 142–168. New Haven, CT: Yale University Press, 2004.

Berry, John, and Francis Moryson. "A True Narrative of the Late Rebellion in Virginia by the Royall Commissioners, 1677." In Andrews, *Narratives of the Insurrections, 1675–1690,* 99–141.

Beverley, Robert. *The History and Present State of Virginia, In Four Parts*. London: R. Parker, 1705. Electronic ed. Documenting the American South. University of North Carolina at Chapel Hill, 2006. docsouth.unc.edu/southlit/beverley/beverley.html.

Biard, Pierre. "Relation of New France, and the Jesuit Fathers' Voyage to that country." In Thwaites, *Jesuit Relations and Allied Documents,* 3:21–281.

A Bill to Restrict the Killing of the Bison, or Buffalo, Upon Public Lands. H.R. 157, 42nd Cong. 1871.

Billings, Warren M. *Sir William Berkeley and the Forging of Colonial Virginia*. Baton Rouge: Louisiana State University Press, 2004.

Black, Major. "Interview with Major Black, Montgomery County, Kentucky." By John D. Shane. N.d. Lyman C. Draper Manuscript Collection. Microform. 12CC151-152.

Blackstone, William. *Commentaries on the Laws of England*. 16th ed. 4 vols. London: A. Strahan, 1825.

Bleichmar, Daniela. "Painting as Exploration: Visualizing Nature in Eighteenth-Century Colonial Science." In *Empires of Vision: A Reader,* edited by Martin Jay and Sumathi Ramsaswamy, 64–90. Durham, NC: Duke University Press, 2014.

Blith, William. *The English Improver Improved, or, The survey of husbandry surveyed discovering the improveableness of all lands . . . .* London: Printed for John Wright, 1653. Early English Books Online Text Creation Partnership. name.umdl.umich.edu/A28382.0001.001.

Boddie, John Bennett, ed. *Historical Southern Families*. Vol. 11. Baltimore, MD: Clearfield, 1995.

Bolster, W. Jeffrey. *The Mortal Sea: Fishing the Atlantic in the Age of Sail*. Cambridge, MA: Harvard University Press, 2012.

Bolton, Herbert Eugene. *Spanish Explorations in the Southwest, 1542–1706*. New York: Barnes and Noble, 1908.

Bonta, Marcia Myers. *Women in the Field: America's Pioneering Women Naturalists*. College Station: Texas A&M University Press, 1991.

Boorstin, Daniel J. *The Americans: The Colonial Experience*. New York: Random House, 1958.

Boulware, Tyler. "A 'Dangerous Sett of Horse-Thieves and Vagrants': Outlaws of the Southern Frontier During the Revolutionary Era." *Eras* 6 (November 2004). arts.monash.edu.au/publications/eras/edition-6/boulwarearticle.php.

Brackenridge, Henry M. "Brackenridge's Journal of a Voyage up the River Missouri in 1811." In Thwaites, *Early Western Travels,* 6:20–166.

Bradford, William. *History of Plymouth Plantation, 1620–1647*. Vol. 2. Edited by Worthington C. Ford. Boston: Massachusetts Historical Society, 1912.

——. *Of Plymouth Plantation, 1620–1647*. Edited by Samuel Eliot Morison. 1952. Reprint, New York: Alfred A. Knopf, 2002.

Branch, E. Douglas. *The Hunting of the Buffalo*. 1929. Reprint, Lincoln: University of Nebraska Press, 1997.

Brandão, José António. *Your Fyre Shall Burn No More: Iroquois Policy Toward New France and Its Allies to 1701*. Lincoln: University of Nebraska Press, 2000.

Brantz, Dorothee. Introduction to *Beastly Natures: Animals, Humans, and the Study of History,* edited by Dorothee Brantz, 1–13. Charlottesville: University of Virginia Press, 2010.

Brantz, Lewis. "Memoranda of a Journey in the Western Parts of the United States of America, in 1785." In Schoolcraft, *Historical and Statistical Information,* 3:335–351.

Braund, Kathryn E. Holland. *Deerskins and Duffels: The Creek Indian Trade with Anglo-America, 1685–1815*. Lincoln: University of Nebraska Press, 1993.

Brayley, Edward Wedlake, and John Britton. *The Beauties of England and Wales, Or, Delineations, Topographical, Historical, and Descriptive of Each County*. Vol. 6. London: Thomas Maiden, 1805.

Brenner, Robert. *Merchants and Revolution: Commercial Change, Political Conflict, and London's Overseas Traders, 1550–1653*. London: Verso, 2003.

Brereton, John. *A Briefe and True Relation of the Discoverie of the North Part of Virginia in 1602, Made this present yeere 1602, by Captaine Bartholomew Gosnold . . . .* In Burrage, *Original Narratives,* 325–340.

Brickell, John. *The Natural History of North-Carolina. With an Account of the Trade, Manners, and Customs of the Christian and Indian Inhabitants . . . .* Dublin, 1737. Reprint, Raleigh, NC: North Carolina Public Libraries, 1911.

Brigham, David R. "Mark Catesby and the Patronage of Natural History in the First Half of the Eighteenth Century." In Meyers and Pritchard, *Empire's Nature,* 91–146.

Brissot de Warville, Jacques-Pierre. *New Travels in the United States of America, 1788*. Bowling Green, OH: Historical Publications, 1919.

Brown, Alexander, ed. *The Genesis of the United States: A Narrative of the Movement in England, 1605–1616 . . . .* Vol. 2. Boston: Houghton, Mifflin, 1890.

Brown, J. Jed, Karin E. Limburg, John R. Waldman, Kurt Stephenson, Edward P. Glenn, Francis Juanes, and Adrian Jordaan. "Fish and Hydropower on the U.S. Atlantic Coast: Failed Fishery Policies from Half-Way Technologies." *Conservation Letters* 6, no. 4 (July/August 2013): 280–286.

Brown, R. Ben. "Free Men and Free Pigs: Closing the Southern Range and the American Property Tradition." *Radical History Review* 108 (Fall 2010): 117–137.

Browne, William Hand, et al., eds. *Archives of Maryland*. 215+ vols. Baltimore and Annapolis: Maryland Historical Society, 1883–. aomol.msa.maryland.gov.

Bruce, Philip Alexander. *Economic History of Virginia in the Seventeenth Century: An Inquiry into the Material Condition of the People, Based Upon Original and Contemporaneous Records*. 2 vols. New York: MacMillan, 1896.

Brugger, Robert J. *Maryland: A Middle Temperament, 1634–1980*. Baltimore, MD: Johns Hopkins University Press, 1988.

Budd, Thomas. *Good Order Established in Pennsilvania and New-Jersey*. 1685. Reprint, Cleveland: Burrows Brothers, 1902.

Burke, John. *History of Virginia from its Settlement to the Present Day*. Vol. 2. Petersburg, VA: Dickson and Pescud, 1805.

Burke, Kathleen. *Old World, New World: Great Britain and America from the Beginning*. New York: Grove, 2007.

Burnaby, Andrew. *Travels Through the Middle Settlements in North America in the Years 1759 and 1760*. New York: A. Wessels, 1904.

Burrage, Henry S., ed. *Original Narratives of Early English and French Voyages, Chiefly from the Hakluyt, 1534–1608*. 1906. Reprint, New York: Barnes and Noble, 1959.

Burstein, Andrew. *The Original Knickerbocker: The Life of Washington Irving*. New York: Basic Books, 2008.

Bushman, Richard Lyman. "Markets and Composite Farms in Early America." *William and Mary Quarterly* 55 (1998): 351–374.

Butcher, Russell D. *America's National Wildlife Refuges: A Complete Guide*. 2nd ed. Lanham, MD: Taylor Trade, 2008.

Butler, Lem, Bruce Dale, Kimberlee Beckmen, and Sean Farley. "Findings Related to the March 2010 Fatal Wolf Attack near Chignik Lake, Alaska." *Wildlife Special Publication,* ADF&G/DWC/WSP-2011-2. Alaska Department of Fish and Game. December 2011. fisheries.org/docs/pub_stylefl.pdf.

Butler, Richard. "Letter of Richard Butler, June 10, 1773." In *The Centenary of Louisville,* vol. 8, edited by Reuben Thomas Durrett, 128–130. Louisville, KY: John P. Morton, 1893.

Byrd, William, and Edmund Ruffin. *The Westover Manuscripts: Containing the History of the Dividing Line Betwixt Virginia and North Carolina; A Journey to the Land of Eden, A. D. 1733; and A Progress to the Mines. Written from 1728 to 1736, and Now First Published*. Petersburg, VA: Edmund and Julian C. Ruffin, 1841. Documenting the American South. docsouth.unc.edu/nc/byrd/byrd.html.

"By the King. A Proclamation for the Suppressing a Rebellion Lately Raised Within the Plantation of Virginia." *British Royal Proclamations Relating to America, 1603–1783,* vol. 12, edited by Clarence S. Bringham, 130–133. Worcester, MA: American Antiquarian Society, 1911.

Cabeza de Vaca, Álvar Núñez. *Relation of Álvar Núñez Cabeza de Vaca*. Translated by Buckingham Smith. New York: J. Munsell, 1871.

Callicott, J. Baird, and Michael P. Nelson, eds. *The Great New Wilderness Debate*. Athens: University of Georgia Press, 1998.

———. *The Wilderness Debate Rages On: Continuing the Great New Wilderness Debate*. Athens: University of Georgia Press, 2008.

Calloway, Colin G. *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities*. New York: Cambridge University Press, 1995.

———. *One Vast Winter Count: The Native American West Before Lewis and Clark*. Lincoln: University of Nebraska Press, 2003.

———. *The Shawnees and the War for America*. New York: Penguin, 2007.

Calvert, Leonard. Governor Leonard Calvert to Lord Baltimore, April 25, 1638. In Lee, *Calvert Papers,* 182–193.

Campbell, Tyler Adam. "Movement Ecology of White-Tailed Deer in the Central Appalachians of West Virginia." PhD diss., University of Georgia, 2003. athenaeum.libs.uga.edu/bitstream/handle/10724/7112/campbell_tyler_a_200312_phd.pdf?sequence=1.

Campbell, William J. *Speculators in Empire: Iroquoia and the 1768 Treaty of Fort Stanwix*. Norman: University of Oklahoma Press, 2012.

Campbell-Mohn, Celia, Barry Breen, and J. William Futrell. *Environmental Law: From Resources to Recovery*. St. Paul, MN: West Group, 1993.

Candler, Allen D., ed. *The Colonial Records of the State of Georgia*. 31 vols. Atlanta, GA: Chas. P. Byrd, 1904–1916.

Carlos, Ann M., and Frank D. Lewis. *Commerce by a Frozen Sea: Native Americans and the European Fur Trade*. Philadelphia: University of Pennsylvania Press, 2010.

Carmony, Donald F., ed. "Spencer Records' Memoir of the Ohio Valley Frontier, 1766–1795." *Indiana Magazine of History* 55, no. 4 (December 1959): 323–377.

Cartier, Jacques. "The First Relation of Jacques Carthier of S. Malo, 1534." In Burrage, *Original Narratives,* 1–31.

——. "A Shorte and Briefe Narration (Cartier's Second Voyage), 1535–1536." In Burrage, *Original Narratives,* 33–88.

Cartwright, Peter. *The Backwoods Preacher: An Autobiography of Peter Cartwright,* edited by W. P. Strickland. Cincinnati: L. Swormstedt and A. Poe, 1859.

Carver, Jonathan. *Travels through the Interior Parts of North America, in the Years 1766, 1767, and 1768*. 3rd ed. London: C. Dilly; H. Payne; J. Phillips, 1781.

Castañeda de Nájera, Pedro de. "The Narrative of the Expedition of Coronado." In Hodge and Lewis, *Spanish Explorers*, 281–387.

C[astell], W[illiam]. *A Petition of W.C. Exhibited to the High Court of Parliament now assembled, for the propagating of the Gospel in America, and the West Indies; and for the setling of our Plantations there . . . printed in the yeare 1641.* In Force, *Tracts,* vol. 1, tract no. 13.

Catesby, Mark. *The Natural History of Carolina, Florida, and the Bahama Islands*. 2 vols. London: C. Marsh, 1754.

Catlin, George. *Letters and Notes on the Manners, Customs and Condition of the North American Indians*. London: George Catlin, 1841.

"Causes of Discontent in Virginia, 1676." *Virginia Magazine of History and Biography* 2, no. 2 (October 1894): 166–173.

"Causes of Discontent in Virginia, 1676 (Continued)." *Virginia Magazine of History and Biography* 2, no. 4 (April 1895): 380–392.

Cave, Alfred A. *Lethal Encounters: Englishmen and Indians in Colonial Virginia*. Santa Barbara: Praeger, 2011.

Chalfant, William Young. *Cheyennes at Dark Water Creek: The Last Fight of the Red River War*. Norman: University of Oklahoma Press, 1997.

Chambers, Steven M., Steven R. Fain, Bud Fazio, and Michael Amara. "An Account of the Taxonomy of North American Wolves from Morphological and Genetic Analyses." *North American Fauna* 77 (October 2012): 1–67. doi:10.3996/nafa.77.0001.

Chaplin, Joyce E. "Mark Catesby, A Skeptical Newtonian in America." In Meyers and Pritchard, *Empire's Nature,* 34–90.

Charlevoix, Pierre Francois Xavier de. *Journal of a Voyage to North America*. Edited by Louise Phelps Kellogg. 2 vols. 1761. Reprint, Chicago: Caxton Club, 1923.

Chesney, Jackson Pharaoh. *Last of the Pioneers: Or Old Times in East Tennessee; Being the Life and Reminiscences of Pharaoh Jackson Chesney (Aged 120 Years)*. Knoxville, TN: S. B. Newman, 1902.

Christian, Edward. *A Treatise on the Game Laws: in which it is Fully Proved, That Except in Particular Cases, Game is Now, and Has Always Been, by the Law of England, The Property of the Occupier of the Land Upon Which it is Found and Taken*. London: R. Watts, 1817.

Churchill, Robin Rolf, and Alan Vaughn Lowe. *The Law of the Sea*. 2nd rev. ed. Manchester, UK: Manchester University Press, 1988.

Cieslewicz, David J. "The Environmental Impacts of Sprawl." In *Urban Sprawl: Causes, Consequences, and Policy Responses,* edited by Gregory D. Squires, 23–38. Washington, DC: Urban Institute Press, 2002.

"Claiborne's Petition and Accompanying Papers, March 13, 1667–1687/8." In Browne et al., 5:155–239.

Clarke, Samuel, comp. *A True and Faithful Account of the Four Chiefest Plantations of the English in America*. London: Robert Clavel, Thomas Passenger, William Cadman, William Whitwood, Thomas Sawbridge, and William Birch, 1670. Early English Books Online Text Creation Partnership. name.umdl.umich.edu/A33345.0001.001.

Clayton, John. *A Letter from Mr. John Clayton, Rector of Crofton at Wakefield in Yorkshire, to the Royal Society, May 12, 1688, Giving an Account of several Observables in Virginia, and in his Voyage thither, more particularly concerning the Air.* In Force, *Tracts,* vol. 3., tract no. 12.

Cody, Louisa Federici, and Courtney Ryley Cooper. *Memories of Buffalo Bill*. New York: D. Appleton, 1919.

Coke, Edward. *Institutes of the laws of England: The Fourth Part Concerning the Jurisdiction of the Courts*. London: E. and R. Brooke, 1797.

Coke, Thomas. "The Missionary Journeys of Dr. Thomas Coke: 1785–1791." In Morrison, *Travels in Virginia,* 71–79.

Colden, Cadwallader. *The Letters and Papers of Cadwallader Colden, 1711–1755*. 9 vols. New York: New York Historical Society, 1917–1935.

Cole, Daniel H. "New Forms of Private Property: Property Rights in Environmental Goods." In *Property Law and Economics,* 2nd ed., edited by Boudewijn Bouckaert, 225–269. Northampton: Edward Elgar, 2010.

Coleman, Jon T. *Vicious: Wolves and Men in America*. New Haven, CT: Yale University Press, 2004.

Colonial Dames of America. *Ancestral Records and Portraits: A Compilation from the Archives of the Colonial Dames of America*. Vol. 2. London: Grafton, 1910.

Colpitts, George. *North America's Indian Trade in European Commerce and Imagination, 1580–1850*. Boston: Brill, 2013.

Columbus, Christopher, and Bartolomé de Las Casas. *Personal Narrative of the First Voyage of Columbus to America*. Translated by Samuel Kettell. Boston, MA: Thomas B. Wait and Son, 1827.

"Complaint from Heaven with a Huy and crye and a petition out of Virginia and Maryland." In Browne et al., *Archives of Maryland,* 5:134–152.

Conforti, Joseph A. *Imagining New England: Explorations in Regional Identity from the Pilgrims to the Mid-Twentieth Century*. Chapel Hill: University of North Carolina Press, 2001.

Cooper, Thomas, ed. *The Statutes at Large of South Carolina*. 5 vols. Columbia, SC: A. S. Johnston, 1836–1839.

Cornwaleys, Thomas. Thomas Cornwaleys to Lord Baltimore, April 16, 1638. In Lee, *Calvert Papers,* 169–181.

[Cotton, John and/or Ann]. "The History of Bacon's and Ingram's Rebellion, 1676." In Andrews, *Narratives of the Insurrections, 1675–1690,* 43–98.

Coues, Elliott, ed. *The Expeditions of Zebulon Montgomery Pike, to Headwaters of the Mississippi River, Through Louisiana Territory, and in New Spain, During the Years 1805-6-7.* 3 vols. New York: Francis P. Harper, 1895.

Council of Virginia. "Classes of Emigrants Wanted." 1610. Reprinted in *The Genesis of the United States: A Narrative of the Movement from England, 1605–1616,* vol. 1, edited by Alexander Brown, 469–470. New York: Houghton Mifflin, 1890.

Covey, Cyclone. Preface to *Cabeza de Vaca's Adventures in the Unknown Interior of America,* by Alvar Nuñez Cabeza de Vaca, 9–21. Translated and edited by Cyclone Covey. Albuquerque: University of New Mexico Press, 1983.

Cowdrey, Albert E. *This Land, This South: An Environmental History.* Rev. ed. Lexington: University Press of Kentucky, 1996.

Cozzens, Peter. Introduction to *Eyewitness to the Indian Wars, 1865–1890.* Vol. 3, *Conquering the Southern Plains,* edited by Peter Cozzens, xvi–xliii. Mechanicsburg, PA: Stackpole Books, 2003.

Craven, Wesley F. "Indian Policy in Early Virginia." *William and Mary Quarterly* 1, no. 1 (January 1944): 65–82.

Crèvecoeur, J. Hector St. John. *Letters from an American Farmer.* 1782. Reprint. Carlisle, MA: Applewood Books, 2007.

Cronon, William. *Changes in the Land: Indians, Colonists, and the Ecology of New England.* New York: Hill and Wang, 1983.

——. "The Trouble with Wilderness; or, Getting Back to the Wrong Nature." In *Uncommon Ground: Rethinking the Human Place in Nature,* edited by William Cronon, 69–90. New York: W. W. Norton, 1996.

Crosby, Alfred. *The Columbian Exchange: Biological and Cultural Consequences of 1492.* Westport, CT: Greenwood, 1972.

——. *Ecological Imperialism: The Biological Expansion of Europe, 900–1900.* New York: Cambridge University Press, 1986.

Cruse, J. Brett. *Battles of the Red River War: Archaeological Perspectives on the Indian Campaign of 1874.* College Station: Texas A&M University Press, 2008.

Curnutt, Jordan. *Animals and the Law: A Sourcebook.* Santa Barbara, CA: ABC-CLIO, 2001.

Curtin, Philip D., Grace S. Brush, and George W. Fisher, eds. *Discovering the Chesapeake: The History of an Ecosystem.* Baltimore: Johns Hopkins University Press, 2001.

Curtis, Christopher Michael. *Jefferson's Freeholders and the Politics of Ownership in the Old Dominion.* New York: Cambridge University Press, 2012.

Cushman, Robert. "Reasons and Considerations Touching the Lawfulness of Removing Out of England Into the Parts of America." In *Chronicles of the Pilgrim Fathers of the Colony of Plymouth,* edited by Alexander Young, 239–249. Boston: C. C. Little and J. Brown, 1841.

Cutler, Manasseh. *An Explanation of the Map which Delineates that Part of the Federal Lands.* Salem, MA: Dabney and Cushing, 1787. Early American Imprints, Series 1, no 20312.

Cutright, Paul Russell. *Lewis and Clark: Pioneering Naturalists*. 1969. Reprint, Lincoln: University of Nebraska Press, 2003.

Dalzell, Robert, Jr., and Lee Baldwin Dalzell. *George Washington's Mount Vernon: At Home in Revolutionary America*. New York: Oxford University Press, 1998.

Dary, David. *Buffalo Book: The Full Saga of an American Animal*. Athens, OH: Swallow, 1989.

Davies, K. G. *The North Atlantic World in the Seventeenth Century*. Minneapolis: University of Minnesota Press, 1974.

Davis, Donald Edward. *Where There Are Mountains: An Environmental History of the Southern Appalachians*. Athens: University of Georgia Press, 2005.

Dechêne, Louise. *Habitants and Merchants in Seventeenth-Century Montreal*. Translated by Liana Vardi. Montreal: McGill-Queen's University Press, 1992.

Delano, Columbus. *Annual Report of the Secretary of the Interior* (1873). Washington, DC: Government Printing Office, 1873.

Delge, Denys. *Bitter Feast: Amerindians and Europeans in Northeastern North America, 1600–64*. Translated by Jane Brierley. Vancouver: University of British Columbia Press, 1995.

Demallie, Raymond J. "Tutelo and Neighboring Groups." In *Southeast,* edited by Raymond D. Fogelson, vol. 14 of Sturtevant, *Handbook of North American Indians,* 286–300.

Denys, Nicolas. *The Description and Natural History of the Coasts of North America (Acadia)*. 1672. Translated and edited by William Ganong. Toronto, ON: Champlain Society, 1908.

"Department of the Interior Bison Report: Looking Forward." Natural Resource Report NPS/NRSS/BRMD/NRR—2014/821. www.slideshare.net/USInterior/doi-bison-reportlookingforwardnpsnrr2014821.

Descalves, Alonso [pseud.]. *Travels to the Westward, or the Unknown Parts of America: In the Years 1786 and 1787*. Keene, NH: Henry Blake, 1794. Early American Imprints, Series 1, no. 26860.

Despret, Vinciane. "From Secret Agents to Interagency." *History and Theory* 52 (December 2013): 29–44.

Dixon, Billy. *Life and Adventures of Billy Dixon of Adobe Walls, Texas Panhandle*. Compiled by Frederick S. Barde. Guthrie, OK: Privately printed, 1914.

Dodge, Richard Irving. *Our Wild Indians*. Hartford, CT: A. D. Worthington, 1883.

——. *The Plains of the Great West and Their Inhabitants*. New York: G. P. Putnam's Sons, 1877.

Dolin, Eric J. *Fur, Fortune, and Empire: The Epic History of the Fur Trade in America*. New York: W. W. Norton, 2010.

Dongan, Thomas. "Gov. Dongan's Report on the Province of New-York, 1687." In *The Documentary History of the State of New-York,* vol. 1, edited by E. B. O'Callaghan, 93–118. Albany, NY: Weed, Parsons, 1850.

Dorsey, Clement, ed. *The General Public Statutory Law and Public Local Law of the State of Maryland: From the Year 1692 to 1839 Inclusive*. Baltimore: John B. Toy, 1840.

Dugan, Holly. *The Ephemeral History of Perfume: Scent and Sense in Early Modern England*. Baltimore: Johns Hopkins University Press, 2011.

Dunaway, Wilma A. *The First American Frontier: Transition to Capitalism in Southern Appalachia, 1700–1860*. Chapel Hill: University of North Carolina Press, 1996.

Dunlap, Thomas R. *Nature and the English Diaspora: Environment and History in the United States, Canada, Australia, and New Zealand*. New York: Cambridge University Press, 1999.

——. *Saving America's Wildlife: Ecology and the American Mind, 1850–1990*. Princeton, NJ: Princeton University Press, 1988.

[Durand of Dauphiné]. *A Frenchman in Virginia: Being the Memoirs of a Huguenot Refugee in 1686*. Richmond, VA: Privately printed, 1923.

Earle, Carville V. "Environment, Disease, and Mortality in Early Virginia." In *The Chesapeake in the Seventeenth Century: Essays on Anglo-American Society,* edited by Thad W. Tate and David L. Ammerman, 96–125. New York: W. W. Norton, 1979.

Edwards, Jess. "Between Plain Wilderness and Goodly Cornfields." In *Envisioning an English Empire: Jamestown and the Making of the North Atlantic World,* edited by Robert Appelbaum and John Sweet, 217–235. Philadelphia: University of Pennsylvania Press, 2005.

Eggertsson, Thráinn. "Open Access Versus Common Property." In *Property Rights: Cooperation, Conflict, and Law,* edited by Terry L. Anderson and Fred S. McChesney, 73–89. Princeton: Princeton University Press, 2003.

Eggleston, Edward, comp. "Bacon's Rebellion. Eggleston MSS.: Being copies of State Papers now in the British Public Record Office, London, relating to the seventeenth century. Virginia State Library." Reprinted in *William and Mary College Quarterly Historical Magazine* 9, no. 1 (July 1900): 1–11.

Elliott, John H. *Empires of the Atlantic World: Britain and Spain in America, 1492–1830*. New Haven, CT: Yale University Press, 2007.

Ellsworth, Henry Leavitt. *Washington Irving on the Prairie; or, A Narrative of the Southwest in the year 1832*. Edited by Stanley T. Williams and Barbara D. Simison. New York: American Book, 1937.

Escalante, Philipe de, and Hernando Barrado. "Brief and True Account of the Exploration of New Mexico, 1583." In Bolton, *Spanish Explorations,* 154–157.

Eshleman, Henry Frank. *Lancaster County Indians: Annals of the Susquehannocks and Other Indian Tribes*. Lancaster, PA: Express Print, 1909.

Evarts, Jeremiah, ed. *Speeches on the Passage of the Bill for the Removal of the Indians, Delivered in the Congress of the United States, April and May, 1830*. Boston: Perkins and Marvin, 1830.

Everett, Edward. "The Substance of the Speech of the Hon. Edward Everett, Representative, Delivered in the House of Representatives . . . May 19, 1830." In Evarts, *Speeches,* 255–299.

Faragher, John Mack. *Daniel Boone: The Life and Legend of an American Pioneer.* New York: Henry Holt, 1992.

——. *Sugar Creek: Life on the Illinois Prairie*. New Haven, CT: Yale University Press, 1986.

Farnham, Thomas Jefferson. *Farnham's Travels in the Great Western Prairies, Etc., May 21–October 16, 1839*. Part 1. Vol. 28 of Thwaites, *Early Western Travels*.

Fausz, J. Frederick. "'An Abundance of Blood Shed on Both Sides': England's First Indian War, 1609–1614." *Virginia Magazine of History and Biography* 98 (1999): 3–56.

——. "Merging and Emerging Worlds: Anglo-Indian Interest Groups and the Development of the Seventeenth-century Chesapeake." In *Colonial Chesapeake Society,* edited by Lois Green Carr, Philip D. Morgan, and Jean B. Russo, 47–98. Chapel Hill: University of North Carolina Press, 1988.

——. "Present at the 'Creation': The Chesapeake World That Greeted the Maryland Colonists." *Maryland Historical Magazine* 79 (Spring 1984): 7–20.

Faux, William. *Faux's Memorable Days in America, 1819–1820*. Part 1. Vol. 11 of Thwaites, *Early Western Travels*.

——. *Faux's Memorable Days in America, November 27, 1818 to July 21, 1820*. Part 2. 1823. Reprint, Carlisle, MA: Applewood Books, 2007.

Feeny, David, Susan Hanna, and Arthur F. McEvoy. "Questioning the Assumptions of the 'Tragedy of the Commons' Model of Fisheries." *Land Economics* 72, no. 2 (May, 1996): 187–205.

Feldhamer, George A., Bruce C. Thompson, and Joseph A. Chapman, eds. *Wild Mammals of North America: Biology, Management, and Conservation*. 2nd ed. Baltimore, MD: Johns Hopkins University Press, 2003.

Filson, John. *The Discovery, Settlement and Present State of Kentucky*. London: John Stockdale, 1793.

Finegan, Edward. "English in North America." In *A History of the English Language,* edited by Richard Hogg and David Denison, 384–419. Cambridge: Cambridge University Press, 2008.

Fischman, Robert. *The National Wildlife Refuges: Coordinating A Conservation System Through Law*. Washington, DC: Island, 2003.

Fisher, George W., and Jerry R. Schubel. "The Chesapeake Ecosystem: Its Geologic Heritage." In Curtin, Brush, and Fisher, *Discovering the Chesapeake,* 1–14.

Fitzmaurice, Andrew. *Humanism and America: An Intellectual History of English Colonisation*. Cambridge: Cambridge University Press, 2003.

Fleet, Henry. "A Brief Journal of a Voyage Made in the Bark Virginia." In *The Founders of Maryland as Portrayed in Manuscripts, Provincial Records and Early Documents,* edited by Edward D. Neill, 19–37. Albany: Joel Munsell, 1876.

Flint, Timothy. *Recollections of the Last Ten Years, Passed in Occasional Residences and Journeyings in the Valley of the Mississippi, from Pittsburg and the Missouri to the Gulf of Mexico, and from Florida to the Spanish Frontier*. Boston: Cummings, Hillard, 1826.

Flores, Dan. "Bison Ecology and Bison Diplomacy: The Southern Plains from 1800–1850." *Journal of American History* 78, no. 2 (September 1991): 465–485.

Fogleman, Valerie M. "American Attitudes Towards Wolves: A History of Misperception." *Environmental Review* 13, no. 1 (Spring 1989): 63–94.

Force, Peter, ed. *Tracts and Other Papers, Relative Principally to the Origin, Settlement, and Progress of the Colonies in North America From the Discovery of the Country to the Year 1776*. 4 vols. New York: Peter Smith, 1947.

Foreman, Dave. "The Real Wilderness Idea." *In Wilderness Science in a Time of Change Conference,* vol. 1, *Changing Perspectives and Future Directions,* edited by

David N. Cole, Stephen F. McCool, Wayne A. Freimund, and Jennifer O'Loughlin, 32–38. Ogden, UT: US Department of Agriculture, Forest Service, Rocky Mountain Research Station.

——. *Rewilding North America: A Vision for Conservation in the 21st Century.* Washington, DC: Island, 2004.

——. "Wilderness Areas for Real." In Callicott and Nelson, *Great New Wilderness Debate,* 395–407.

Franke, Mary Ann. *To Save the Wild Bison: Life on the Edge in Yellowstone.* Norman: University of Oklahoma Press, 2005.

Frémont, John C., James Hall, and John Torrey. *Report of the Exploring Expedition to the Rocky Mountains in the Year 1842, and to Oregon and North California.* Washington: Gales and Seaton, 1845.

French, Jamie, Preston Collup, and Zella Armstrong. *Notable Southern Families: The Crockett Family and Connecting Lines.* Bristol, TN: King Printing, 1928.

Freyfogle, Eric T. *The Land We Share: Private Property and the Common Good.* Washington: Island, 2003.

Friskics, Scott. "The Twofold Myth of Pristine Wilderness: Misreading the Wilderness Act in Terms of Purity." *Environmental Ethics* 30 (Winter 2008): 381–99.

Fritts, S. H., R. O. Stephenson, R. D. Hayes, and L. Boitani. "Wolves and Humans." In Mech and Boitani, *Wolves,* 289–316.

Fudge, Erica. "A Left-Handed Blow: Writing the History of Animals." In *Representing Animals,* edited by Nigel Rothfels, 3–18. Bloomington: Indiana University Press, 2002.

——. "Milking Other Men's Beasts." *History and Theory* 52 (December 2013): 13–28.

Games, Alison. *The Web of Empire: English Cosmopolitans in an Age of Expansion, 1560–1660.* New York: Oxford University Press, 2008.

Gates, C. Comack, Curtis H. Freese, Peter J. P. Gogan, and Mandy Kotzman, eds. *American Bison: Status Survey and Conservation Guidelines 2010.* Gland, Switzerland: IUCN, 2010.

Geist, Valerius. *Deer of the World: Their Evolution, Behavior, and Ecology.* Mechanicsburg, PA: Stackpole Books, 1998.

Gentleman of Elvas. "The Narrative of the Expedition of Hernando DeSoto." In Hodge and Lewis, *Spanish Explorers,* 127–272.

——. "Virginia Richly Valued by the Description of the Maine Land of Florida, Her Next Neighbour." In Hakluyt, *The Principal Navigations,* 13:537–616.

George, Staughton, Benjamin McRead, and Thomas McCamant, comps. and eds., *Charter to William Penn, and the Laws of the Province of Pennsylvania, Passed between the Years 1682 and 1700.* Harrisburg, PA: L. S. Hart, 1879.

Gertsell, Richard. *American Shad in the Susquehanna River Basin: A Three Hundred Year History.* University Park: Pennsylvania State University Press, 1998.

Gill, Harold B., Jr. *Leather Workers in Colonial Virginia.* Colonial Williamsburg Foundation Library Research Report Series–0107. Williamsburg, VA: Colonial Williamsburg Foundation Library, 1996. research.history.org/DigitalLibrary/View/index.cfm?doc=ResearchReports\RR0107.xml.

Gilpin, William. "William Gilpin to William P. Dole, the Commissioner of Indian Affairs, June 19, 1861." In *Message of the President to the Two Houses of Congress*

at the Commencement of the Second Session of the Thirty-Seventh Congress, 1:709–711. Washington, DC: Government Printing Office, 1861.

Gleach, Frederic W. *Powhatan's World and Colonial Virginia: A Conflict of Cultures*. Lincoln: University of Nebraska Press, 2000.

Glover, Jeffrey. *Paper Sovereigns: Anglo-Native Treaties and the Law of Nations*. Philadelphia: University of Pennsylvania Press, 2014.

Glover, Thomas. *An Account of Virginia: Its Scituation, Temperature, Productions, Inhabitants and their manner of planting and ordering Tobacco*. 1676. Reprint, Oxford, UK: H. Hard, 1904.

Gomera, Francis Lopez. "The Rest of this Voyage to Acuco, Liguex, Cicuic, and Quiuira, and Unto the Westerne Ocean, Is Thus Written in the Generall Historie of the West Indies by Francis Lopez de Gomera." In Hakluyt, *The Principal Navigations,* 14:133–137.

Goodnight, Charles. *Old Texas*. Silent film. 1916.

Governor of Virginia. "A Commission to Captain William Eden, Alias Sampson, October 24, 1622." In Kingsbury, *Records of the Virginia Company,* vol. 3:698–699.

Grantham, Thomas. *An Historical Account of Some Memorable Actions, Particularly in Virginia: Also Against the Admiral of Algier, and in the East Indies: Perform'd for the Service of His Prince and Country*. 1716. Reprint, Richmond, VA: C. McCarthy, 1882.

Greer, Allan. "Commons and Enclosure in the Colonization of North America." *American Historical Review* 117 (April 2012): 365–386.

Gregg, Josiah. *Gregg's Commerce of the Prairies*. Part 2. Vol. 20 of Thwaites, *Early Western Travels*.

Grenier, John. *The First Way of War: American War Making on the Frontier, 1607–1814*. New York: Cambridge University Press, 2005.

Griffin, Carl J. *Protest, Politics, and Work in Rural England, 1700–1850*. Basingstoke, UK: Palgrave MacMillan, 2014.

Griffin, Emma. *Blood Sport: Hunting in Britain since 1066*. New Haven: Yale University Press, 2007.

Griffin, Patrick. *American Leviathan: Empire, Nation, and Revolutionary Frontier*. New York: Hill and Wang, 2007.

Griffiths, Tom, ed. *Ecology and Empire: Environmental History of Settler Societies*. Seattle: University of Washington Press, 1997.

Gross, John E., Natalie D. Halbert, and James N. Derr. "Conservation Guidelines for Population, Genetic, and Disease Management." In Gates et al., *American Bison,* 85–101.

Grotius, Hugo. *The Freedom of the Seas, or The Right Which Belongs to the Dutch to Take Part in the East Indian Trade*. Translated by Ralph Van Deman Magoffin. Washington, DC: Oxford University Press, 1916.

Grove, Richard H. *Green Imperialism: Colonial Expansion, Tropical Island Edens and the Origins of Environmentalism, 1600–1820*. New York: Cambridge University Press, 1995.

Guha, Ramachandra. "Radical American Environmentalism and Wilderness Preservation: A Third World Critique." *Environmental Ethics* 11, no. 1 (Spring 1989): 71–83.

Gwynne, S. C. *Empire of the Summer Moon: Quanah Parker and the Rise and Fall of the Comanches, the Most Powerful Indian Tribe in American History.* New York: Scribner, 2010.

Hahn, Steven. "Hunting, Fishing, and Foraging: The Transformation of Property Rights in the Postbellum South." *Radical History Review* 26 (October 1982): 37–64.

——. *The Roots of Southern Populism: Yeoman Farmers and the Transformation of the Georgia Upcountry, 1850–1890.* New York: Oxford University Press, 1983.

Haies, Edward. "A report of the voyage and successe thereof, attempted in the yeere of our Lord 1583 by sir Humfrey Gilbert knight." In Hakluyt, *The Principal Navigations,* 12: 320–358.

——. "A Treatise, containing important Inducements for the planting in these Parts, and finding a Passage that way to the South Sea and China." In *A Briefe and True Relation of the Discovery of the North Part of Virginia,* by John Brereton. 1602. Facsimile of the first edition, with an introductory note by Luther S. Livington, 15–24. New York: Dodd, Mead, 1903.

Hakluyt, Richard, comp. *The Principal Navigations, Voyages, Traffiques & Discoveries of the English Nation*. Edited by Edmund Goldsmid. 16 vols. Edinburgh, Scotland: E. & G. Goldsmid, 1885–1890.

Hale, Nathaniel C. *Pelts and Palisades: The Story of Fur and the Rivalry for Pelts in Early America*. Richmond, VA: Dietz, 1959.

Haley, James L. *The Buffalo War: The History of the Red River Indian Uprising of 1874*. Garden City, NY: Doubleday, 1976.

——. "Red River War." In *Handbook of Texas Online*. Texas State Historical Society, June 15, 2010. www.tshaonline.org/handbook/online/articles/qdr02.

Hämäläinen, Pekka. *The Comanche Empire*. New Haven: Yale University Press, 2008.

——. "The First Phase of Destruction: Killing the Southern Plains Buffalo, 1790–1840." *Great Plains Quarterly* 21 (Spring 2001): 101–114.

Hammond, Henry. *History of Harrison County, West Virginia: From Early Days of Northwestern Virginia to the Present*. 1910. Reprint, Parsons, WV: McClain, 1973.

Hammond, John. "Leah and Rachel, or, the two fruitfull Sisters Virginia and Maryland; their present condition impartially stated and related." In *Narratives of Early Maryland,* vol. 10, edited by Clayton Colman Hall, 278–308. New York, NY: Charles Scribner's Sons, 1910.

Hamor, Ralph. *A true discourse of the present estate of Virginia, and the successe of the affaires there till the 18 of June 1614 . . . .* 1615. Reprint, Albany, NY: J. Munsell, 1860.

Hanawalt, Barbara A. *Of Good and Ill Repute: Gender and Social Control in Medieval England*. New York: Oxford University Press, 1998.

Hanner, John. "Government Response to the Buffalo Hide Trade, 1871–1883." *Journal of Law and Economics* 24 (October 1981): 239–271.

Hardin, David S. "Laws of Nature: Wildlife Management Legislation in Colonial Virginia." In *The American Environment: Interpretations of Past Geographies,* edited by Larry M. Dilsaver and Craig E. Colten, 137–162. Lanham, MD: Rowman and Littlefield, 1992.

Hardin, Garrett. "The Tragedy of the Commons." *Science* 162, no. 3859 (December 13, 1968): 1243–1248. DOI: 10.1126/science.162.3859.1243.

Harrington, Fred H., and L. David Mech. "Wolf Vocalization." In *Wolf and Man: Evolution in Parallel,* edited by Roberta L. Hall and Henry S. Sharp, 109–132. New York: Academic, 1978.

Harriot, Thomas. *A Briefe and True Report of the New Found Land of Virginia*. Theodor De Bry, 1590. Early Encounters in North America. S2578.

Harris, Douglas C. *Fish, Law, and Colonialism: The Legal Capture of Salmon in British Columbia*. Toronto: University of Toronto Press, 2001.

Hart, John F. "The Maryland Mill Act, 1669–1766: Economic Policy and the Confiscatory Redistribution of Private Property." *American Journal of Legal History* 39, no. 1 (January 1995): 1–24.

Hart, Stephen Harding, and Archer Butler Hulbert, eds. *The Southwestern Journals of Zebulon Pike, 1806–1807.* Las Cruces: University of New Mexico Press, 2007.

Hartog, Hendrik. "Pigs and Positivism." *Wisconsin Law Review* 4 (1985): 899–935.

Harvey, Mark W. T. *Wilderness Forever: Howard Zahniser and the Path to the Wilderness Act*. Seattle: University of Washington Press, 2005.

Hastings, Lansford W. *The Emigrants' Guide to Oregon and California*. 1845. Reprint, Bedford: Applewood Books, 1994.

Hatfield, April Lee. *Atlantic Virginia: Intercolonial Relations in the Seventeenth Century*. Philadelphia: University of Pennsylvania Press, 2004.

Hatley, Tom. *Dividing Paths: Cherokees and South Carolinians Through the Revolutionary Era*. New York: Oxford University Press, 1995.

Hawkes, Henry. "A Relation of the Commodities of Nova Hispania, and the Maners of the Inhabitants, Written by Henry Hawkes, Merchant, Which Lived Five Yeeres in the Sayd Countrey . . . 1572." In Hakluyt, *The Principal Navigations,* 14:170–187.

Hays, Samuel P. *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890–1920*. 1959. Pittsburgh: University of Pittsburgh Press, 1999.

Hazard, Samuel, ed. *Annals of Pennsylvania, 1609–1682*. Philadelphia: Hazard and Mitchell, 1850.

Hening, William Waller. *The Statutes at Large; Being a Collection of All the Laws of Virginia, from the first session of the Legislature in the year 1619*. 13 vols. Richmond, Philadelphia, and New York, 1809–1823.

Hennepin, Louis. *A New Discovery of a Vast Country in America,* edited by Reuben Gold Thwaites. 2 vols. Chicago: A. C. McClurg, 1903.

Henry, William A. *Northern Wisconsin, A Hand-Book for the Homeseeker.* Madison, WI: Democrat Printing, 1896.

Herman, Daniel Justin. *Hunting and the American Imagination*. Washington, DC: Smithsonian Institution Press, 2001.

Higginson, Francis. *New-Englands Plantation. Or, a Short and True Description of the Commodities and Discommodities of that Countrey.* In Force, *Tracts,* vol. 1, tract no. 12.

Hinderaker, Eric. *Elusive Empires: Constructing Colonialism in the Ohio Valley, 1673–1800*. New York: Cambridge University Press, 1997.

——, and Peter C. Mancall. *At the Edge of Empire: The Backcountry in British North America*. Baltimore: Johns Hopkins University Press, 2003.

Hodge, Frederick W., and Theodore H. Lewis, eds. *Spanish Explorers in the Southern United States, 1528–1543*. New York: Charles Scribner's Sons, 1907.

Hooker, Richard J., ed. *The Carolina Backcountry on the Eve of Revolution: The Journal and Other Writings of Charles, Woodmason, Anglican Itinerant*. Chapel Hill: University of North Carolina Press, 1953.

Hooper, Robert. *A New Medical Dictionary: Containing an Explanation of the Terms in Anatomy* . . . . Philadelphia: M. Carey and Son, Benjamin Warner, and Edward Parker, 1817.

Hornaday, William Temple. *The Extermination of the American Bison*. Washington, DC: Government Printing Office, 1889.

——. *Our Vanishing Wildlife: Its Extermination and Preservation*. New York: New York Zoological Society, 1913.

——. "Report of the President on the Founding of the Montana National Bison Herd." In *Second Annual Report of the American Bison Society,* 1–17. New York: American Bison Society, 1909.

Horne, Robert. "A Brief Description of the Province of Carolina, 1666." In *Narratives of Early Carolina, 1650–1708,* vol. 12, edited by Alexander Samuel Salley, 64–73. New York: Charles Scribner's Sons, 1911.

Horning, Susan Schmidt. "The Power of Image: Promotional Literature and Its Changing Role in the Settlement of Early Carolina." *North Carolina Historical Review* 70 (October 1993): 365–400.

Hortop, Job. "The travailes of Job Hortop, which Sir John Hawkins set on land within the bay of Mexico . . . . " In Hakluyt, *The Principal Navigations,* 14: 226–243.

Horwitz, Morton J. *The Transformation of American Law, 1780–1860*. Cambridge, MA: Harvard University Press, 1977.

Houck, Louis. *A Treatise on the Law of Navigable Rivers*. Boston: Little, Brown, 1868.

Hudson, Charles M. "Why the Southeastern Indians Slaughtered Deer." In *Indians, Animals, and the Fur Trade: A Critique of "Keepers of the Game,"* edited by Shepard Krech III, 155–176. Athens: University of Georgia Press, 1981.

Hunt, Alex. "Hunting Charles Goodnight's Buffalo: Texas Fiction, Panhandle Folklore, and Kiowa History." *Panhandle-Plains Historical Review* 77 (2004): 1–13.

Hunt, George T. *Wars of the Iroquois: A Study in Intertribal Trade Relations*. Madison: University of Wisconsin Press, 1940.

Hunt, P. B. "Report of P. B. Hunt, Kiowa, Comanche, and Wichita Agency, August 30, 1879." *Annual Report, Commissioner of Indian Affairs to the Secretary of the Interior*. Washington, DC: Government Printing Office, 1879.

Huston, Reeve. *Land and Freedom: Rural Society, Popular Protest, and Party Politics in Antebellum New York*. New York: Oxford University Press, 2000.

Imlay, Gilbert. *A Topographical Description of the Western Territory of North America: containing a succinct account of its soil, climate, natural history* . . . . London: J. Debrett, 1792.

Innes, Robin J. "Odocoileus virginianus." In Fire Effects Information System. US Department of Agriculture, Forest Service. Rocky Mountain Research Station, Fire Sciences Laboratory. www.fs.fed.us/database/feis/animals/mammal/odvi/all.html.

Innis, Harold A. *The Cod Fisheries: The History of an International Economy*. Toronto, ON: University of Toronto Press, 1954.

——. *The Fur Trade in Canada: An Introduction to Canadian Economic History*. 1930. Reprint, Toronto: University of Toronto Press, 2001.

"Instructions for Sir William Berkeley Governor and Captaine Generall of Virginia in Relation to the Settling and Planting Some Parte of the Province of Carolina, 1663." In Saunders and Clark, *Colonial and State Records of North Carolina,* 1:50–52.

Irving, Washington. "A Tour on the Prairies." In *The Crayon Miscellany*. Philadelphia, PA: Carey, Lea and Blanchard, 1835.

Isenberg, Andrew C. *The Destruction of the Bison: An Environmental History, 1750–1920*. New York: Cambridge University Press, 2001.

Jacob, Giles. *The Game Law, or, A Collection of the laws and statutes made for the preservation of the game of this kingdom: drawn into a short and easie method . . . .* 4th ed. London: Printed by J. N. for A. R., 1711.

Jacobs, Jaap. *The Colony of New Netherland: A Dutch Settlement in Seventeenth-Century America*. Ithaca, NY: Cornell University Press, 2009.

Jacobson, David. *Place and Belonging in America*. Baltimore, MD: Johns Hopkins University Press, 2002.

James, Edwin. *James's Account of S. H. Long's Expedition, 1819–1820*. Vols. 14–17 of Thwaites, *Early Western Travels*.

Jefferson, Thomas. "Description of Louisiana." In *American State Papers: Miscellaneous,* 1:344–358. Washington, DC: Gales and Seaton, 1834.

——. *Notes on the State of Virginia*. 1785. Reprint, Boston: Lilly and Wait, 1832.

——. "Thomas Jefferson to Edmund Pendleton, 13 August 1776." Founders Online. National Archives. http://founders.archives.gov.

——. *The Writings of Thomas Jefferson*. Vol. 8, edited by Henry A. Washington. New York: H. W. Derby, 1859.

Jennings, Francis. *The Ambiguous Iroquois Empire: The Covenant Chain Confederation of Indian Tribes with English Colonies*. New York: W. W. Norton, 1984.

——. "'Pennsylvania Indians' and the Iroquois." In *Beyond the Covenant Chain: The Iroquois and Their Neighbors in Indian North America, 1600–1800,* edited by Daniel K. Richter and James H. Merrell, 75–91. University Park: Pennsylvania State University Press, 2003.

Johnson, Edward. *Johnson's Wonder-Working Providence, 1628–1651*. Edited by J. Franklin Jameson. New York: Charles Scribner's Sons, 1910.

Johnson, J. Stoddard, ed. *First Explorations of Kentucky: Journals of Dr. Thomas Walker, 1749–1750, and Christopher Gist, 1751*. Louisville, KY: John P. Morton, 1898.

Johnson, Robert. *The New Life of Virginea: Declaring the former successe and present estate of that plantation, Being the Second part of Nova Britannia*. 1612. In Force, *Tracts,* vol. 1, tract no. 7.

——. *Nova Britannia: Offering Most Excellent fruites by Planting in Virginia. Exciting all such as be well affected to further the same*. In Force, *Tracts,* vol. 1, tract no. 6.

Jordan, Terry G., and Matti E. Kaups. *The American Backwoods Frontier: An Ethical and Ecological Interpretation*. Baltimore, MD: Johns Hopkins University Press, 1989.

Josselyn, John. *An Account of Two Voyages to New-England, Made during the years 1638, 1663*. Boston: William Veazie, 1865. archive.org/details/accountof twovoya00joss.

——. *New England's Rarities Discovered in Birds, Beasts, Fishes, Serpents, and Plants of that Country*. Edited by Edward Tuckerman. 1671. Reprint, Boston: William Veazie, 1865.

Juet, Robert. "The Third Voyage of Master Henry Hudson Toward Nova Zembla, and at his Returne . . . . " In *Henry Hudson the Navigator: The Original Documents in Which His Career is Recorded,* edited by G. M. Asher, 45–93. London: Hakluyt Society, 1860. Early Encounters in North America. S3247.

Julyan, Robert. *The Place Names of New Mexico*. Rev. ed. Albuquerque: University of New Mexico Press, 1998.

Kades, Eric. "History and Interpretation of the Great Case of *Johnson v. M'Intosh*." *Law and History Review* 19 (2001): 67–116.

Kansas State Board of Agriculture. *1874 Biennial Report*. Vol. 3. Topeka: Geo. W. Martin, 1874.

Kantor, Shawn Everett. *Politics and Property Rights: The Closing of the Open Range in the Postbellum South*. Chicago, IL: University of Chicago Press, 1998.

Kappler, Charles J., comp. and ed. *Indian Affairs: Laws and Treaties*. 7 vols. Washington, DC: Government Printing Office, 1904.

Karns, Gabriel R., Richard A. Landa, Christopher S. DePerno, and Mark C. Connor. "Impact of Hunting Pressure on Adult Male White-tailed Deer Behavior." *Proceedings of the Annual Conference of Southeastern Association of Fish and Wildlife Agencies* 66 (2012): 120–125.

Kennedy, John Pendleton, ed. *Journals of the House of Burgesses of Virginia, 1773–1776*. Richmond, VA: Colonial Press, Everett Waddey, 1905.

Kennedy, Victor S., and Kent Mountford. "Human Influences on Aquatic Resources in the Chesapeake Bay Watershed." In Curtin, Brush, and Fisher, *Discovering the Chesapeake,* 191–219.

Ker, Henry. *Travels through the Western Interior of the United States, from the Year 1808 up to the Year 1816*. Elizabethtown, NJ: Henry Ker, 1816.

Ketchum, William. *An Authentic and Early History of the Buffalo*. Buffalo, NY: Rockwell, Baker, and Hill, 1865.

Kime, Wayne R. *Colonel Richard Irving Dodge: The Life and Times of a Career Army Officer*. Norman: University of Oklahoma Press, 2006.

Kingsbury, Susan M., ed. *The Records of the Virginia Company of London*. 4 vols. Washington, DC: Government Printing Office, 1906–1935.

Klein, Rachel N. *Unification of a Slave State: The Rise of a Planter Class in the South Carolina Backcountry*. Chapel Hill: University of North Carolina Press, 1990.

Konig, David Thomas. "Pendleton, Edmund." *American National Biography Online,* American Council of Learned Societies. Oxford University Press, 2000. www.anb.org/articles/01/01-00708.html.

Kracht, Benjamin R. "Kiowa-Comanche-Apache Opening." In *Encyclopedia of Oklahoma History and Culture*. Oklahoma Historical Society. digital.library.okstate.edu/encyclopedia/entries/K/KI020.html.

Kulik, Gary. "Dams, Fish, and Farmers: Defense of Public Rights in Eighteenth-Century Rhode Island." In *The Countryside in the Age of Capitalist Transformation,* edited by Steven Hahn and Jonathon Prude, 193–241. Chapel Hill: University of North Carolina Press, 1985.

Kulikoff, Allan. *The Agrarian Origins of American Capitalism*. Charlottesville: University of Virginia Press, 1992.

——. *From British Peasants to Colonial American Farmers*. Chapel Hill: University of North Carolina Press, 2000.

——. "The Transition to Capitalism in Rural America." *William and Mary Quarterly,* 3rd ser., 46 (January 1989): 120–144.

Kupperman, Karen Ordahl. *Indians and English: Facing Off in Early America*. Ithaca, NY: Cornell University Press, 2000.

——. *The Jamestown Project*. Cambridge, MA: Harvard University Press, 2007.

LaFreniere, Gilbert. *The Decline of Nature: Environmental History and the Western Worldview*. 2nd ed. Corvallis, OR: Oak Savannah, 2012.

Lahontan, Baron Louis Armand. *New Voyages to North America*. Edited by Reuben Gold Thwaites. Chicago: A.C. McClurg, 1905. Early Encounters in North America. S3260.

Lalemant, Jerome. "Relation of New France in the years 1662–1663." In Thwaites, *Jesuit Relations and Allied Documents,* 48:35–177.

Lamplugh, George R. *Politics on the Periphery: Factions and Parties in Georgia, 1783–1806*. Newark, NJ: University of Delaware Press, 1986.

Lane, Ralph. "An account of the Particularities of the Imployments of the English men left in Virginia by Richard Greenevill under the charge of Master Ralph Lane Generall of the same from 17. of August 1585. until the 18. of June 1586 . . . . " In Hakluyt, *The Principal Navigations,* 12:302–322.

Lapham, Heather A. "Southeast Animals." In *Environment, Origins, and Population,* edited by D. H. Ubelaker, vol. 3 of Sturtevant, *Handbook of North American Indians,* 396–404. Washington DC: Smithsonian Institution, 2006.

——. " 'Their Complement of Deer-Skins and Furs': Changing Patterns of White-Tailed Deer Exploitation in the Seventeenth-Century Chesapeake and Virginia Hinterlands." In *Indian and European Contact in Context: The Mid-Atlantic Region,* edited by D. B. Blanton and J. A. King, 172–192. Gainesville: University Press of Florida, 2004.

LaSalle, René-Robert-Cavalier, Sieur de. "Account of Hennepin's Exploration in La Salle's Letter of August 22, 1682." In *Description of Louisiana, Newly Discovered to the Southwest of New France . . . . ,* compiled by Louis Hennepin and translated by John Gilmary Shea, 361–371. New York, NY: John G. Shea, 1880.

LaVere, David. *Contrary Neighbors: Southern Plains and Removed Indians in Indian Territory*. Norman: University of Oklahoma Press, 2000.

Lawson, John. *A New Voyage to Carolina; Containing the Exact Description and Natural History of That Country: Together with the Present State Thereof. And A Journal of a Thousand Miles, Travel'd Thro' Several Nations of Indians. Giving a Particular Account of Their Customs, Manners, &c*. London, 1709. Documenting the American South. http://docsouth.unc.edu/nc/lawson/menu.html.

Le Clercq, Chrestien. *New Relation of Gaspesia With the Customs and Religion of the Gaspesian Indians*. 1691. Translated and edited by William Ganong. Toronto, ON: Champlain Society, 1910.

Le Jeune, Paul. "Relation of What Occurred in New France in 1634." In Thwaites, *Jesuit Relations and Allied Documents,* 6:91–317.

Le Page du Pratz, Antoine Simon. *The History of Louisiana, or of the Western Parts of Virginia and Carolina*. London: T. Becket and P. A. De Hondt, 1774. Early Encounters in North America. S3140.

Lederer, John. "The Discoveries of John Lederer." In *The First Explorations of the Trans-Allegheny Region by the Virginians,* edited by Clarence Walworth Alvord and Lee Bidgood, 133–171. Cleveland, OH: Arthur H. Clark, 1912.

Lee, John Wesley Murray, ed. *The Calvert Papers*. Vol. 1. Baltimore: John Murphy, 1889.

Leonard, Jennifer A., Robert K. Wayne, Jane Wheeler, Raúl Valadez, Sonia Guillén, and Carles Vilà. "Ancient DNA Evidence for Old World Origins of New World Dogs." *Science* 298 (November 22, 2002): 1613–1616.

Leopold, Aldo. "Deer Irruptions." *Wisconsin Conservation Bulletin* 8 (August 1943): 1–11.

Lescarbot, Marc. *Nova Francia, or the Description of that Part of New France which is on the Continent of Virginia*. Translated by Pierre Borondelle. London: Andrew Hobb, 1609. Early Encounters in North America. S2587.

Lewis, Michael ed. *American Wilderness: A New History*. New York: Oxford University Press, 2007.

Long, Anthony, William Hilton, and Peter Fabian. "Report by Anthony Long, William Hilton, and Peter Fabian concerning their voyage from Barbados to the Cape Fear River from September 29, 1663 to February 6, 1664 [Extract]." In Saunders and Clark, *Colonial and State Records of North Carolina,* 1:67–71.

Lott, Dale F. *American Bison: A Natural History*. Berkeley: University of California Press, 2002.

Lovegrove, Roger. *Silent Fields: The Long Decline of a Nation's Wildlife*. Oxford, UK: Oxford University Press, 2007.

Lowry, John. "Deposition of John Lowry." Depositions concerning Claims to Lands under Purchases from the Indians, April 1777–October 1778. Founders Online. National Archives. http://founders.archives.gov.

Ludwell, Philip. "Ludwell to Sir Joseph Williamson, 28 June 1676." Reprinted in *Virginia Magazine of History and Biography* 1 (1893): 178–186.

Lueck, Dean. "Wildlife: Sustainability and Management." In *Perspectives on Sustainable Resources in America,* edited by Roger A. Sedjo, 133–174. Washington, DC: Routledge, 2010.

Lund, Thomas A. *American Wildlife Law*. Berkeley: University of California Press, 1980.

MacKenzie, John M. *The Empire of Nature: Hunting, Conservation, and British Imperialism*. Manchester, UK: Manchester University Press, 1997.

——. "A Meditation on Environmental History." In *The Nature of Empires and the Empires of Nature: Indigenous Peoples and the Great Lakes Environment,* edited by Karl S. Hele, 1–21. Waterloo, ON: Wilfrid Laurier University Press, 2013.

MacMillian, Ken. *Sovereignty and Possession in the English New World: The Legal Foundations of Empire, 1576–1640*. New York: Cambridge University Press, 2006.

MacNulty, Daniel R., Douglas W. Smith, L. David Mech, John A. Vucetich, and Craig Packer. "Nonlinear Effects of Group Size On the Success of Wolves Hunting Elk." *Behavioral Ecology* 23, no. 1 (January–February 2012): 75–82.

Macpherson, Crawford Brough. "The Meaning of Property." In *Property, Mainstream and Critical Positions,* edited by Crawford Brough Macpherson, 1–14. 1978. Reprint, Toronto: University of Toronto Press, 1999.

Manning, Roger B. *Hunters and Poachers: A Social and Cultural History of Unlawful Hunting in England, 1485–1640*. Oxford, UK: Clarendon, 1993.

Manwood, John. *A Treatise of the Laws of the Forest*. 3rd ed. London: Printed for the Company of Stationers, 1665.

Marcy, Randolph B. *Exploration of the Red River of Louisiana in the Year 1852*. Washington, DC: Robert Armstrong, 1853.

——. *The Prairie Traveler: A Handbook for Overland Expeditions*. New York: Harper and Brothers, 1859.

Marest, Gabriel. "Letter from Father Gabriel Marest to Father de Lamberville." In Thwaites, *Jesuit Relations and Allied Documents,* 66:66–119.

Marks, Stuart A. *Southern Hunting in Black and White: Nature, History, and Ritual in a North Carolina Community*. Princeton, NJ: Princeton University Press, 1991.

Martin, Calvin. *Keepers of the Game: Indian-Animal Relationships and the Fur Trade*. Berkeley: University of California Press, 1982.

Martin, Horace Tassie. *Castorologia: Or The History and Traditions of the Canadian Beaver*. London: Edward Stanford, 1892.

Martin, Jennifer Adams. "When Sharks (Don't) Attack: Wild Animal Agency in Historical Narratives." *Environmental History* 16, no. 3 (July 2011): 451–455.

Martin, John. "The Manner Howe to Bringe the Indians into Subjection, December 15, 1622." In Kingsbury, *Records of the Virginia Company,* 3:704–707.

Martin, John. "Sheep and Enclosure in Sixteenth-Century Northamptonshire." *Agricultural History Review* 36, no. 1 (1988): 39–54.

Martin, Karen L. M. *Beach-Spawning Fishes: Reproduction in an Endangered Ecosystem*. Boca Raton, FL: CRC Press, 2015.

Marvin, William Perry. "Slaughter and Romance: Hunting Reserves in Late Medieval England." In *Medieval Crime and Social Control,* edited by Barbara A. Hanawalt and David Wallace, 224–252. Minneapolis: University of Minnesota Press, 1999.

Marx, Leo. *The Machine in the Garden: Technology and the Pastoral Ideal in America*. 35th anniv. ed. New York: Oxford University Press, 2000.

Massachusetts Bay (Colony). *The Acts and Resolves, Public and Private of Massachusetts Bay*. Vol. 1. Boston: Wright and Potter, 1869.

M[athew], T[homas]. "The Beginning, Progress, and Conclusion of Bacon's Rebellion, 1675–1676, [1705]." In Andrews, *Narratives of the Insurrections, 1675–1690,* 9–41.

Mathiesson, Peter. *Wildlife in America*. Rev. ed. New York: Viking, 1987.

McCabe, Richard E., and Thomas R. McCabe. "Of Slings and Arrows: A Historical Retrospection." In *White-Tailed Deer: Ecology and Management,* edited by Lowell K. Halls. Harrisburg, PA: Stackpole Books, 1984.

——. "Recounting Whitetails Past." In *The Science of Overabundance: Deer Ecology and Population Management,* edited by William J. McShea, H. Brian Underwood, and John H. Rappole, 11–26. Washington, DC: Smithsonian Institution Press, 1997.

McCartney, Martha W. *Virginia Immigrants and Adventurers, 1607–1635: A Biographical Dictionary*. Baltimore, MD: Genealogical Publishing, 2007.

McCary, Ben C. *Indians in Seventeenth-Century Virginia*. Baltimore: Clearfield, 2009.
McCay, Bonnie J. "The Culture of the Commoners: Historical Observation on Old and New World Fisheries." In *The Question of the Commons: The Culture and Ecology of Communal Resources,* edited by Bonnie J. McCay and James M. Acheson, 195–216. Tucson: University of Arizona Press, 1987.
McClintic, Lance, Guiming Wang, Jimmy D. Taylor, and Jeanne C. Jones. "Movement Characteristics of American Beavers (*Castor canadensis*)." *Behaviour* 151, no. 9 (2014): 1249–1265. DOI:10.1163/1568539X-00003183.
McCord, David, ed. *The Statutes at Large of South Carolina*. Vol. 6. Columbia, SC: A. S. Johnston, 1839. Hein Online.
McCormick, R. C. "Restricting the Killing of the Buffalo: Speech of Hon. R. C. McCormick of Arizona, House of Representatives, April 6, 1872." *Congressional Globe* 42 Cong., 2 sess., April 6, 1872, 180.
McEvoy, Arthur F. "Toward an Interactive Theory of Nature and Culture: Ecology, Production, and Cognition in the California Fishing Industry." *Environmental Review* 11, no. 4 (Winter 1987): 289–305.
McFarland, Sarah E., and Ryan Hediger, eds. *Animals and Agency: An Interdisciplinary Exploration*. Leiden, Netherlands: Brill, 2009.
McFarlane, Raymond A. *A History of New England Fisheries with Maps*. New York: D. Appleton, 1911.
McHugh, Tom. *The Time of the Buffalo*. Lincoln: University of Nebraska Press, 1972.
McIlwaine, H. R., ed. *Legislative Journals of the Council of Colonial Virginia*. 3 vols. Richmond, VA: Colonial Press, Everett Waddey, 1918–1919.
——, and John P. Kennedy, eds. *Journals of the House of Burgesses of Virginia*. 13 vols. Richmond, VA: Colonial Press, Everett Waddey, 1905–1915.
McManis, Douglas R. *European Impressions of the New England Coast, 1497–1620*. Chicago, IL: Department of Geography, University of Chicago, 1972.
McPhee, John. *The Founding Fish*. New York: Farrar, Straus, and Giroux, 2002.
Mech, L. David. "Age, Season, Distance, Direction, and Social Aspects of Wolf Dispersal from a Minnesota Pack." In *Mammalian Dispersal Patterns: The Effects of Social Structure on Population Genetics,* edited by B. Diane Chepko-Sade and Zuleyma Tang Halpin, 55–74. Chicago: University of Chicago Press, 1987.
——. "Possible Use of Foresight, Understanding, and Planning by Wolves Hunting Muskoxen." *Arctic* 60, no. 2 (June 2007): 145–149.
——. *The Wolf: The Ecology and Behavior of an Endangered Species*. Garden City, NY: Natural History Press, 1970.
——. "Wolf-Pack Buffer Zones as Prey Reservoirs." *Science* 198, no. 4314 (October 21, 1977): 320–321.
Mech, L. David, and Luigi Boitani, eds. *Wolves: Behavior, Ecology, and Conservation*. Chicago: University of Chicago Press, 2003.
Mech, L. David, and Rolf O. Peterson. "Wolf-Prey Relationships." In Mech and Boitani, *Wolves,* 131–160.
Melville, Elinor G. K. *A Plague of Sheep: Environmental Consequences of the Conquest of Mexico*. New York: Cambridge University Press, 1994.
Merchant, Carolyn. *Ecological Revolutions: Nature, Gender, and Science in New England*. Chapel Hill: University of North Carolina Press, 1989.

Merrill, Michael. "Cash Is Good to Eat: Self-Sufficiency and Exchange in the Rural Economy of the United States." *Radical History Review* 4 (1977): 42–71.

Merrill, Thomas W., and Henry E. Smith. *The Oxford Introductions to U.S. Law: Property*. New York: Oxford University Press, 2001.

Meyers, Amy R. W., and Margaret Beck Pritchard. *Empire's Nature: Mark Catesby's New World Vision*. Chapel Hill: University of North Carolina Press, 1998.

Miklósi, Ádám. *Dog Behaviour, Evolution, and Cognition*. 2nd ed. Oxford, UK: Oxford University Press, 2015.

Miller, Henry M. "Living along the 'Great Shellfish Bay': The Relationship Between Prehistoric Peoples and the Chesapeake." In Curtin, Brush, and Fisher, *Discovering the Chesapeake,* 109–126.

Miller, Karl V., Lisa I. Muller, and Stephen Demarais. "White-tailed Deer." In Feldhamer, Thompson, and Chapman, *Wild Mammals,* 906–930.

Miller, Perry. *Errand into the Wilderness*. Cambridge: Harvard University Press, 1956.

Milligen-Johnston, George. *A Short Description of the Province of South-Carolina, with an Account of the Air, Weather, and Diseases, at Charles-town, written in the year 1763*. London: John Hinton, 1770. Reprinted in *Historical Collections of South Carolina,* vol. 2, edited by B. R. Carroll, 463–535. New York: Harper and Brothers, 1836.

Mitchell, Robert D., Warren R. Hofstra, and Edward F. Connor. "Reconstructing the Colonial Environment of the Upper Chesapeake Watershed." In Curtin, Brush, and Fisher, *Discovering the Chesapeake,* 167–190.

Monbiot, George. *Feral: Rewilding the Land, the Sea, and Human Life*. Chicago: University of Chicago Press, 2014.

Montgomery, Robert. *A Discourse Concerning the design'd Establishment of a New Colony to the South of Carolina, in the Most Delightful Country of the Universe*. 1717. In Force, *Tracts,* vol. 1, tract no. 1.

Montoya, Juan de. *New Mexico in 1602: Juan de Montoya's Relation of the Discovery of New Mexico in 1602,* edited by George Peter Hammond and Rey Agapito. Albuquerque, NM: Quivira Society Publications, 1938.

Mooney, James. *Calendar History of the Kiowa Indians*. 1898. Reprint, Whitefish, MT: Kessinger, 2006.

More, Thomas. *Utopia*. Translated by Raphe Robynson. London: J. M. Dent, 1906.

Morgan, Edmund S. *American Slavery, American Freedom: The Ordeal of Colonial Virginia*. New York: W. W. Norton, 1975.

——. "The Labor Problem at Jamestown, 1607–1618." *American Historical Review* 76, no. 3 (June 1971): 595–611.

Morris, Christopher. "How to Prepare the Buffalo, and Other Things the French Taught the Indians About Nature." In *French Colonial Louisiana and the Atlantic World,* edited by Bradley G. Bond, 22–42. Baton Rouge: Louisiana State University Press, 2005.

Morris, John. *Profitable Advice for Rich and Poor in a Dialogue, or Discourse between James Freeman, a Carolina Planter and Simon Question, a West-Country Farmer. Containing a Description, or True Relation of South Carolina*. London: Printed by J. How, 1712.

Morrison, A. J. "The Virginia Indian Trade to 1673." *William and Mary Quarterly,* 2nd ser., 1, no. 4 (October 1921): 217–236.

Morrison, Alfred J., ed. *Travels in Virginia in Revolutionary Times*. Lynchburg, VA: J. P. Brill, 1922.

Morse, Jedidiah. *The American Universal Geography, Or, A View of the Present State of All the Present Kingdoms, States and Colonies*. 6th ed. Boston: Thomas and Andrews, 1812.

Morton, Thomas. *The New English Canaan of Thomas Morton*. Vol. 14. Boston: John Wilson and Sons, 1882.

Moulton, Gary E., ed. *The Definitive Journals of the Lewis and Clark Expedition*. 11 vols. Lincoln: University of Nebraska Press, 1995.

Muir, John. *Our National Parks*. Boston: Houghton Mifflin, 1901.

Mullennex, Ron. "Topography." In *e-WV: The West Virginia Encyclopedia*. Article published November 5, 2010. www.wvencyclopedia.org/articles/747.

Munford, William. *A General Index to the Virginian Law Authorities*. Richmond, VA: John Warrock, 1819.

Munsche, P. B. *Gentlemen and Poachers: The English Game Laws, 1671–1831*. Cambridge: Cambridge University Press, 1981.

Murray, John (Lord Dunmore). "Dunmore to Dartmouth, Official Report, December 24, 1774." In *Documentary History of Lord Dunmore's War,* edited by Reuben Gold Thwaites and Louise Phelps Kellogg, 368–395. Madison: Wisconsin Historical Society, 1905.

Myers, Kathleen Ann. *Fernández de Oviedo's Chronicle of America: A New History for a New World*. Austin: University of Texas Press, 2007.

Myers, Maureen. "From Refugees to Slave Traders: The Transformation of the Westo Indians." In *Mapping the Mississippian Shatter Zone: The Colonial Indian Slave Trade and Regional Instability in the American South,* edited by Robbie Franklyn Ethridge and Sheri Marie Shuck-Hall, 81–103. Lincoln: University of Nebraska Press, 2009.

Nabokov, Peter, ed. *Native American Testimony: A Chronicle of Indian-White Relations from Prophecy to the Present, 1492–1992*. New York: Viking, 1991.

Nagle, John Copeland. *Law's Environment: How the Law Shapes the Places We Live*. New Haven, CT: Yale University Press, 2010.

Naiman, Robert J., Carol A. Johnson, and James C. Kelly. "Alteration of North American Streams by Beaver." *BioScience* 38, no. 11 (December 1988): 753–762.

Nash, Frederick, et al. *The Revised Statutes of the State of North Carolina, Passed by the General Assembly at the Session of 1836–7*. 2 vols. Raleigh, NC: Turner and Hughes, 1837. Hein Online.

Nash, Roderick. *Wilderness and the American Mind*. 3rd ed. New Haven, CT: Yale University Press, 1982.

Nelson, William E. *The Americanization of the Common Law: The Impact of Legal Change in Massachusetts Society, 1760–1870*. Cambridge, MA: Harvard University Press, 1975.

Nelson, William. *The Laws of England Concerning the Game: Of Hunting, Hawking, Fishing and Fowling &c*. London: E. and R. Nutt and R. Gosling, 1727.

Nicholls, Steve. *Paradise Found: Nature in America at the Time of Discovery*. Chicago: University of Chicago Press, 2009.

Nichols, Roger L., and Patrick L. Halley. *Stephen Long and American Frontier Exploration*. Norman: University of Oklahoma Press, 1995.

Noble, John, ed. *Records of the Court of Assistants of the Colony of Massachusetts Bay*. Boston: Rockwell and Churchill, 1904.

Nobles, Gregory H. *American Frontiers: Cultural Encounters and Continental Conquest*. New York: Hill and Wang, 1997.

North Carolina. Chowan County. 1810 Census, population schedule. Digital images. Ancestry.com. May 3, 2016.

Novak, William J. *The People's Welfare: Law and Regulation in Nineteenth-Century America*. Chapel Hill: University of North Carolina Press, 1996.

Nowak, Ronald M. "Taxonomy, Morphology, and Genetics of Wolves in the Great Lakes Region." In *Recovery of Gray Wolves in the Great Lakes Region of the United States: An Endangered Species Success Story,* edited by Edward Heske, Timothy R. Deelen, and Adrian P. Wydeven, 233–250. New York: Springer, 2009.

Nuttall, Thomas. *A Journal of Travels into the Arkansa Territory, During the Year 1819* . . . . Vol. 13 of Thwaites, *Early Western Travels*.

Oatis, Steven J. *A Colonial Complex: South Carolina's Frontiers in the Era of Yamasee War, 1680–1730*. Lincoln: University of Nebraska Press, 2004.

Oberg, Michael Leroy. *Dominion and Civility: English Imperialism and Native America, 1585–1685*. Ithaca, NY: Cornell University Press, 1999.

——, ed. *Samuel Wiseman's Book of Record: The Official Account of Bacon's Rebellion, 1676–1677*. Lanham, MD: Lexington Books, 2005.

O'Daniel, V. F. "Cuthbert Fenwick: Pioneer Catholic and Legislator of Maryland." *Catholic Historical Review* 5, no. 2/3 (July–October 1919): 156–174.

O'Dell, Larry. "Wichita Mountains National Wildlife Refuge." In *Encyclopedia of Oklahoma History and Culture*. Oklahoma Historical Society. digital.library.okstate.edu/encyclopedia/entries/W/WI003.html.

Ogilvie, Brian W. *The Science of Describing: Natural History in Renaissance Europe*. Chicago: University of Chicago Press, 2006.

Oglethorpe, James. *A New and Accurate Account of the Provinces of South Carolina and Georgia*. London: Printed for J. Worrall, 1733.

Oliphant, John. *Peace and War on the Anglo-Cherokee Frontier, 1756–1763*. Baton Rouge: Louisiana State University Press, 2001.

Oman, Kerry R. "The Beginning of the End: The Indian Peace Commission of 1867–1868." *Great Plains Quarterly* 22 (Winter 2002): 35–51.

Oñate, Juan de. "The Oñate Expeditions and the Founding of the Province of New Mexico, 1596–1605." In *Spanish Exploration in the Southwest, 1542–1706,* compiled by Juan Paez, edited by Herbert Eugene Bolton, 197–280. New York: Charles Scribner's Sons, 1916.

——. "True Account of the Expedition of Oñate toward the East, 1610." In Bolton, *Spanish Explorations,* 250–267.

Ostrom, Elinor. *Governing the Commons: The Evolution of Institutions for Collective Action*. New York: Cambridge University Press, 1990.

——, and Charlotte Hess. "Private and Common Property Rights." In *Property Law and Economics,* edited by Boudewijn Bouckaert, 53–106. Northampton, MA: Edward Elgar, 2010.

Oviedo, Gonzalo Fernández de. *A Natural History of the West Indies,* translated and edited by Sterling A. Stoudemire. Chapel Hill: University of North Carolina Press, 1959.

Pace, Robert, ed. *Buffalo Days: Stories from J. Wright Mooar as told to James Winford Hunt*. Abilene, TX: State House Press, 2005.

Palmer, Sherman. *Chronology and Index of the More Important Events in American Game Protection, 1776–1911*. Washington, DC: Government Printing Office, 1912.

Paquet, Paul C., and Ludwig N. Carbyn. "Gray Wolf: *Canis lupus* and Allies." In Feldhamer, Thompson, and Chapman, *Wild Mammals,* 482–510. Baltimore, MD: Johns Hopkins University Press, 2003.

Parkhurst, Anthony. "A letter to M. Richard Hakluyt of the middle Temple, conteining a report of the true state and commodities of Newfoundland, by M. Anthonie Parkhurst, Gentleman, 1578." In Hakluyt, *The Principal Navigations,* 12:299–303.

Parrish, Susan Scott. *American Curiosity: Cultures of Natural History in the Colonial Atlantic World*. Chapel Hill: University of North Carolina Press, 2006.

——. "The Female Opossum and the Nature of the New World." *William and Mary Quarterly* 54 (July 1997): 475–514.

——. "Women's Nature: Curiosity, Pastoral, and the New Science in British North America." *Early American Literature* 37 (August 2002): 195–238.

Pattie, James Ohio. "Pattie's Personal Narrative, 1824–1830." In Thwaites, *Early Western Travels,* 18:24–325.

Paul, John. *A Digest of the Laws: Relating to the Game of this Kingdom*. London: W. Strahan and M. Woodfall, 1775.

Paulett, Robert. *An Empire of Small Places: Mapping the Southern Anglo-Indian Trade, 1732–1795*. Athens: University of Georgia Press, 2012.

Pearson, John C. "The Fish and Fisheries of Colonial Virginia." 6 installments. *William and Mary Quarterly,* 2nd ser., 22 (July 1942): 213–220; 22 (October 1942): 353–360; 23 (January 1943): 1–7; 23 (April 1943): 130–135; 23 (July 1943): 278–284; 23 (October 1943): 435–439; 3rd ser., 1 (April 1944): 179–183.

Peckham, George. *A true reporte of the late discoveries, and possession, taken in the right of the Crowne of Englande, of the Newfound Landes: By that valiaunt and worthye gentleman, Sir Humfrey Gilbert knight*. 1583. In *The Voyages and Colonising Enterprises of Humphrey Gilbert,* vol. 2, edited by David Beers Quinn, 435–482. London: Hakluyt Society, 1940, 2:466. Early Encounters in North America. S3174.

"Pelican Island National Wildlife Refuge." US Fish and Wildlife Service. September 18, 2009. www.fws.gov/pelicanisland/history.html.

Pendergast, James F. "The Massawomeck: Raiders and Traders Into the Chesapeake Bay in the Seventeenth Century." *Transactions of the American Philosophical Society,* n.s., 812 (1991): i–101.

Pendleton, Edmund. "Edmund Pendleton to Thomas Jefferson, 3 August 1776." Founders Online. National Archives. http://founders.archives.gov.

Penna, Anthony. *Nature's Bounty: Historical and Modern Environmental Perspectives*. New York: M. E. Sharpe, 1999.

Perkins, Elizabeth A. *Border Life: Experience and Memory in the Revolutionary Ohio Valley*. Chapel Hill: University of North Carolina Press, 1998.

——. "The Consumer Frontier: Household Consumption in Early Kentucky." *Journal of American History* 76 (1991): 486–510.

Peters, Roger P., and L. David Mech. "Scent Marking in Wolves." *American Scientist* 63, no. 6 (November–December, 1975): 628–637.

Petersen, Shannon. "Congress and Charismatic Megafauna: A Legislative History of the Endangered Species Act." *Environmental Law* 29, no. 2 (Summer 1999): 463–491.

Peterson, Anna L. *Being Animal: Beasts and Boundaries in Nature Ethics*. New York: Columbia University Press, 2013.

Peterson, Rolf O., and Paolo Ciucci. "The Wolf as a Carnivore." In Mech and Boitani, *Wolves,* 104–130.

Philippon, Daniel J. *Conserving Words: How American Nature Writers Shaped the Environmental Movement*. Athens: University of Georgia Press, 2005.

Piker, Joshua Aaron. *Okfuskee: A Creek Indian Town in Colonial America*. Cambridge, MA: Harvard University Press, 2004.

"A Plain & Friendly Perswasive to the Inhabitants of Virginia and Maryland for Promoting Towns and Cohabitation." 1705. Reprinted in *Virginia Magazine of History and Biography* 4, no. 3 (January 1897): 255–271.

Plantagenet, Beauchamp [pseud.]. *A Description of the Province of New Albion*. London: James Moxon, 1650. Early Encounters in North America, S2998.

Podruchny, Carolyn. *Making the Voyageur World: Travelers and Traders in the North American Fur Trade*. Lincoln: University of Nebraska Press, 2006.

Pory, John. "John Pory to The Right Honble and My Singular Good Lorde, 30 September 1619." In Kingsbury, *Records of the Virginia Company,* 3:219–222.

Potter, Ben A., S. Craig Gerlach, and C. Comack Gates. "History of Bison in North America." In Gates et al., *American Bison,* 5–12.

Potter, E. C. E., and M. G. Pawson. *Gill Netting.* Laboratory Leaflet No. 69. Ministry of Agriculture, Fisheries, and Food Directorate of Fisheries Research. Lowestoft, UK: 1991.

Potter, Stephen R. "Early English Effects on Virginia Algonquian Exchange and Tribute in the Tidewater Potomac." In *Powhatan's Mantle: Indians in the Colonial Southeast,* rev. ed., edited by Gregory A. Waselkov, Peter H. Wood, and Tom Hatley, 151–172. Lincoln: University of Nebraska Press, 2006.

Preston, William. "Col. William Preston to Captain Samuel McDowell, May 27, 1774." In *Documentary History of Lord Dunmore's War, 1774,* edited by Reuben Gold Thwaites and Louise Phelps Kellogg, 25–26. Madison: Wisconsin Historical Society, 1905.

Pring, Martin. "A Voyage Set Out from the Citie of Bristoll, 1603." In Burrage, *Original Narratives,* 345- 352.

Pritchard, James. *In Search of Empire: The French in the Americas, 1670–1730.* Cambridge: Cambridge University Press, 2004.

"Proceedings of the Virginia Assembly, 1619." In *Narratives of Early Virginia, 1606–1625,* edited by Lyon Gardiner Tyler, 245–278. New York: Charles Scribner's Sons, 1907.

Pulsifer, David, ed. *Records of the Colony of New Plymouth, in New England: Laws, 1623–1682*. Boston: William White, 1861.

Pybus, David H. "The History of Aroma Chemistry and Perfume." In *The Chemistry of Fragrances: From Perfumer to Consumer,* 2nd ed., edited by Charles Sell, 3–23. Dorchester: Royal Society of Chemistry, 2006.

Quinn, David B. *Explorers and Colonies: America, 1500–1625*. London: Hambledon, 1990.

Rafinesque, C. S. *Ancient History or the Annals of Kentucky*. Frankfort, KY, 1824.

Ragueneau, Paul. "Relation of What Occurred in the Country of the Hurons, a Country of New France, in the Years 1647 and 1648." In Thwaites, *Jesuit Relations and Allied Documents,* 33:53–248.

Ramsay, David. *The History of the Revolution of South Carolina: From a British Province to an Independent State*. Trenton, NJ: Isaac Collins, 1785.

Rand, Jacki Thompson. *Kiowa Humanity and the Invasion of the State*. Lincoln: University of Nebraska Press, 2008.

"The Randolph Manuscript: Virginia Seventeenth Century Records." *Virginia Magazine of History and Biography* 15, no. 4 (1908): 390–405.

"The Remonstrance presented to the Commons House of the Assembly of South Carolina by the Upper Inhabitants . . . 1767 And other papers relating to this Province." In Hooker, *Carolina Backcountry,* 213–246.

Rice, James D. "Bacon's Rebellion in Indian Country." *Journal of American History* 101, no. 3 (December 2014): 726–750.

———. *Nature and History in the Potomac Country: From Hunter-Gatherers to the Age of Jefferson*. Baltimore, MD: Johns Hopkins University Press, 2009.

———. "Second Anglo-Powhatan War (1622–1632)." In *Encyclopedia Virginia*. Charlottesville: Virginia Foundation for the Humanities, June 26, 2014. www.EncyclopediaVirginia.org/Anglo-Powhatan_War_Second_1622-1632.

———. *Tales from a Revolution: Bacon's Rebellion and the Transformation of Early America*. New York: Oxford University Press, 2012.

Richards, John F. *The Unending Frontier: An Environmental History of the Early Modern World*. Berkeley: University of California Press, 2003.

———. *The World Hunt: An Environmental History of the Commodification of Animals*. Berkeley: University of California Press, 2014.

Richardson, Heather Cox. *West from Appomattox: The Reconstruction of the West After the Civil War*. New Haven, CT: Yale University Press, 2007.

Richter, Daniel K. *Facing East from Indian Country: A Native History of Early America*. Cambridge: Harvard University Press, 2001.

———. *Trade, Land, Power: The Struggle for Eastern North America*. Philadelphia: University of Pennsylvania Press, 2013.

Ritvo, Harriet. *The Animal Estate: The English and Other Creatures in the Victorian Age*. Cambridge, MA: Harvard University Press, 1987.

———. "Animal Planet." *Environmental History* 9 (April 2004): 204–220.

———. "On the Animal Turn." *Daedalus* 136, no. 4 (Fall 2007): 118–122.

Robertson, James. "Deposition of James Robertson, Depositions concerning Claims to Lands." Founders Online. National Archives. http://founders.archives.gov.

Robertson, Lindsay G. *Conquest by Law: How the Discovery of America Dispossessed Indigenous Peoples of Their Lands*. New York: Oxford University Press, 2005.

Roosevelt, Theodore. *Hunting Trips of a Ranchman: Hunting Trips on the Prairie and in the Mountains*. New York: G. P. Putnam's Sons, 1885.

——. *The Wilderness Hunter: An Account of the Big Game of the United States and its Chase with Horse, Hound, and Rifle*. New York: G. P. Putnam's Sons, 1902.

——. *The Works of Theodore Roosevelt: Outdoor Pastimes of an American Hunter*. New York: Charles Scribner's Sons, 1905.

Rose, George A. *Cod: The Ecological History of the North Atlantic Fisheries*. St. Johns, NL: Breakwater Books, 2007.

Rosier, James. "A True Relation of the Voyage by Captaine George Waymouth, 1605." In Burrage, *Original Narratives,* 353–394.

Ross, Alexander. *Adventures of the First Settlers on the Oregon or Columbia River*. Vol. 7 of Thwaites, *Early Western Travels*.

Rountree, Helen C. *Pocahontas' People: The Powhatan Indians of Virginia Through Four Centuries*. Norman: University of Oklahoma Press, 1990.

Russell, Lynette. Introduction to *Colonial Frontiers: Indigenous-European Encounters in Settler Societies,* edited by Lynette Russell, 1–16. Manchester, UK: Manchester University Press, 2001.

Russo, Jean B., and J. Elliott Russo. *Planting an Empire: The Early Chesapeake in British North America*. Baltimore, MD: Johns Hopkins University Press, 2012.

Sandoz, Mari. *The Buffalo Hunters: The Story of the Hide Men*. 2nd ed. Lincoln: University of Nebraska Press, 2008.

Sargent, Robert A., and Ronald F. Labisky. "Home Range of Male White-tailed Deer in Hunted and Non-hunted Populations." *Proceedings of the Southeastern Association of Fish and Wildlife Agencies* 49 (1995): 389–398. www.seafwa.org/resource/dynamic/private/PDF/SARGENT-389-398.pdf.

Saunders, William L., and Walter Clark, eds. *The Colonial and State Records of North Carolina*. 30 vols. Raleigh: P. M. Hale, 1886–1907. Documenting the American South. University Library, The University of North Carolina at Chapel Hill, 2007. http://docsouth.unc.edu/csr/.

Sawyer, Roy T. *America's Wetland: A Cultural and Environmental History of Tidewater Virginia and North Carolina*. Charlottesville: University of Virginia Press, 2010.

Sayre, Gordon M. *Les Sauvages Américains: Representations of Native Americans in French and English Colonial Literature*. Chapel Hill: University of North Carolina Press, 1997.

Schofield, John M. *Forty-Six Years in the Army*. New York: Century, 1897.

Schoolcraft, Henry Rowe. *Historical and Statistical Information Respecting the History, Condition and Prospects of the Indian Tribes of the United States*. 6 vols. Philadelphia: Lippincott, Grambo, 1851–1857.

——. *Narrative Journal of Travels through the Northwestern Regions of the United States . . . in the Year 1820*. Albany, NY: E. and E. Hosford, 1821.

Seed, Patricia. *Ceremonies of Possession in Europe's Conquest of the New World, 1492–1640*. New York: Cambridge University Press, 1995.

Selden, John. *Mare Clausum; The Right and Dominion of the Sea in Two Books*. Edited by James Howell. London: Printed for Andrew Kembe and Edward Thomas, 1663.

Sell, Jonathan P. A. *Rhetoric and Wonder in English Travel Writing, 1560–1613*. Aldershot, UK: Ashgate, 2006.

Severinghaus, C. W., and C. P. Brown. "History of the White-Tailed Deer in New York." *New York Fish and Game Journal* 3, no. 2 (July 1956): 129–167.

Shabecoff, Philip. *A Fierce Green Fire: The American Environmental Movement*. Washington, DC: Island, 2003.

Sharp, Buchanan. "Rural Discontents and the English Revolution." In *Town and Countryside in the English Revolution,* edited by R. C. Richardson, 251–272. Manchester, UK: Manchester University Press, 1992.

Shaw, David Gary. "A Way With Animals: Preparing History for Animals." *History and Theory* 52 (December 2013): 1–12.

Sheidley, Nathaniel. "Hunting and the Politics of Masculinity in Cherokee Treaty-Making, 1763–1775." In *Empire and Others: British Encounters with Indigenous Peoples, 1600–1850,* edited by Martin Daunton and Rick Halpern, 167–185. Philadelphia: University of Pennsylvania Press, 1999.

Shepherd, Samuel, ed. *The Statutes at Large of Virginia: Being a Continuation of Hening.* Richmond, VA: Samuel Shepherd, 1836.

Sherwood, William. "Virginia's Deploured Condition . . . 1676." In *Collections of the Massachusetts Historical Society,* 4th ser., 9:162–176. Boston: John Wilson and Son, 1871.

Shrigley, Nathaniel. *A true relation of Virginia and Mary-land, with the commodities therein*. 1669. In Force, *Tracts,* vol. 3, tract no. 7.

Shurtleff, Nathaniel B., ed. *Records of the Governor and Company of the Massachusetts Bay in New England*. 5 vols. Boston: William White, 1810–1874.

——, and David Pulisfer, eds. *Records of the Colony of New Plymouth, in New England*. 12 vols. Boston: Press of William White, 1810–1894.

Sibley, H[enry] H[astings]. "Sport of Buffalo-Hunting on the Open Plains of Pembina." In Schoolcraft, *Historical and Statistical Information,* 4:94–110.

Silver, Timothy. "Learning to Live with Nature: Colonial Historians and the Southern Environment." *Journal of Southern History* 73, no. 3 (August 2007): 539–552.

——. *A New Face on the Countryside: Indians, Colonists, and Slaves in South Atlantic Forests, 1500–1800*. New York: Cambridge University Press, 1990.

Silverman, David J. "'We Chuse to Be Bounded': Native American Animal Husbandry in Colonial New England." *William and Mary Quarterly* 60, no. 3 (July 2003): 513.

Sioussat, Annie Leakin. *Old Manors in the Colony of Maryland*. Baltimore: Lord Baltimore Press, 1913.

"Sir Robert Heath's Patent, 5 Charles 1st, October 30, 1629." Reprinted in Saunders and Clark, *Colonial and State Records of North Carolina,* 1:5–13.

Skabelund, Aaron. "Animals and Imperialism: Recent Historiographical Trends." *History Compass* 11, no. 10 (2013): 801–807.

Slack, Paul. *The Invention of Improvement: Information and Material Progress in Seventeenth-Century England*. New York: Oxford University Press, 2015.

Sleeman, Patrick. "Mammals and Mammalogy." In *Nature in Ireland: A Scientific and Cultural History,* edited by John Wilson Foster, 241–261. Montreal: McGill-Queen's University Press, 1997.

Sluyter, Andrew. *Colonialism and Landscape: Postcolonial Theory and Applications*. Lanham, MD: Rowman and Littlefield, 2002.

Smith, John. *A Description of New England; or Observations and Discoveries in the North of America in the Year of Our Lord 1614*. 1616. Reprint, Boston: William Veazie, 1865.

——. *The Generall Historie of Virginia, New England and the Summer Isles*. 2 vols. 1629. Reprint, Bedford, MA: Applewood Books, 2006.
——. *Travels and Works of Captain John Smith*. Edited by Edward Arber. 2 vols. Edinburgh: John Grant, 1910.
Smits, David D. "The Frontier Army and the Destruction of the Buffalo, 1865–1883." *Western Historical Quarterly* 25 (Autumn 1994): 312–338.
Sokolow, Jayme A. *The Great Encounter: Native Peoples and European Settlers in the Americas, 1492–1800*. Armonk, NY: M. E. Sharpe, 2002.
Some Considerations on the Game Laws, Suggested by the Late Motion of Mr Curwen for the Repeal of the Present System. London: Printed for T. Egerton, 1796.
Soulé, Michael, and Reed Noss. "Rewilding and Biodiversity: Complementary Goals for Conservation." *Wild Earth* 8, no. 3 (Fall 1998): 19–28.
Sparke, John. "The Voyage made by M. John Hawkins Esquire . . . . " In Burrage, *Original Narratives,* 114–132.
Sparks, Jared, ed. *The Works of Benjamin Franklin*. 10 vols. London: Benjamin Franklin Stevens, 1882.
Spelman, Henry. "Relation of Virginia." In John Smith, *Travels and Works,* 1:ci–cxiv.
Spotswood, Alexander. Letter to Lords Commissioners of Trade, January 14, 1714 [1715]. In *The Official Letters of Alexander Spotswood, Lieutenant-Governor of Virginia,* 2:93–103. Richmond, VA: Historical Society of Virginia, 1885.
Spotte, Stephen. *Societies of Wolves and Free-Ranging Dogs*. New York: Cambridge University Press, 2012.
Stanley, D. S. *Personal Memoirs of Major-General D. S. Stanley, U.S.A*. Cambridge, MA: Harvard University Press, 1917.
Steinberg, Philip E. *The Social Construction of the Ocean*. Cambridge: Cambridge University Press, 2001.
Steinberg, Theodore. *Down to Earth: Nature's Role in American History*. New York: Oxford University Press, 2002.
——. "God's Terminus: Boundaries, Nature, and Property on the Michigan Shore." *American Journal of Legal History* 37, no. 1 (January 1993): 65–90.
——. *Nature Incorporated: Industrialization and the Waters of New England*. New York: Cambridge University Press, 1991.
——. *Slide Mountain: Or The Folly of Owning Nature*. Berkeley: University of California Press, 1995.
[Stephens, William]. *A State of the Province of Georgia, Attested upon Oath, in the Court of Savannah, November 10, 1740*. In Force, *Tracts,* vol. 1, tract no. 3.
Sterba, Jim. *Nature Wars: The Incredible Story of How Wildlife Comebacks Turned Backyards into Battlegrounds*. New York: Crown, 2012.
Stevens, Nathaniel. "To George Washington from Nathaniel Stevens, 3 May 1781." Founders Online. National Archives. http://founders.archives.gov.
Stevenson, Charles H. "The Shad Fisheries of the Atlantic Coast of the United States." In *Report of the Commissioner for the Year Ending June 30, 1898,* 24:109–269. United States Fish Commission. Washington, DC: Government Printing Office, 1899.
Stewart, Mart A. "*What Nature Suffers to Groe*": *Life, Labor, and Landscape on the Georgia Coast, 1680–1920*. Athens: University of Georgia Press, 1996.

Strachey, William. *For the Colony in Virginea Britannia. Lawes Divine, Morall and Martiall, &c*. In Force, *Tracts,* vol. 3, tract no. 2.

——. *The Historie of Travaile into Virginia Britannia*. Edited by R. H. Major. London: Printed for the Hakluyt Society, 1849.

Sturtevant, William C., ed. *Handbook of North American Indians*. 20 vols. Washington, DC: Smithsonian Institution, 1978–2008.

Stuyvesant, Peter. "Proposals to be tendered to the Duke of York from Peter Stuyvesant, late Governor of New Netherland, [1667]." In *Documents Relative to the Colonial History of the State of New-York,* vol. 3, compiled and edited by John Romeyn Brodhead, 163–164. Albany: Weed, Parsons, 1853.

Sullivan, James, ed. *The Papers of Sir William Johnson*. Vol. 2. Albany: University of the State of New York Press, 1922.

Sutter, Paul, and Christopher J. Manganiello, eds. *Environmental History and the American South: A Reader.* Athens: University of Georgia Press, 2009.

Swaney, James A. "Common Property, Reciprocity, and Community." *Journal of Economic Issues* 24, no. 2 (June 1990): 451–462.

Sweet, Timothy. "Economy, Ecology, and *Utopia* in Early Colonial Promotional Literature." *American Literature* 71 no. 3 (September 1999): 399–427.

Talbot, John. *History of North America*. Leeds: Davies and Co., 1820.

Tatum, Lawrie. *Our Red Brothers and the Peace Policy of Ulysses S. Grant.* Philadelphia: John C. Winston, 1899.

Taylor, Alan. *The Divided Ground: Indians, Settlers, and the Northern Borderland of the American Revolution.* New York: Knopf, 2006.

Taylor, M. Scott. "Buffalo Hunt: International Trade and the Virtual Extinction of the North American Bison." *American Economic Review* 101 (December 2011): 3162–3195.

Taylor, Mark T. "Seiners and Tongers: North Carolina Fisheries in the Old and New South." *North Carolina Historical Review* 69, no. 1 (January 1992): 1–36.

Teale, Edwin Way. *Circle of Seasons: The Journal of a Naturalist's Year.* New York: Dodd, Mead, 1987.

"Theodore Roosevelt and Conservation." National Park Service. August 2, 2015. www.nps.gov/thro/learn/historyculture/theodore-roosevelt-and-conservation.htm.

Thirsk, Joan. *The Rural Economy of England.* London: Hambledon, 1984.

Thomas, Gabriel. *A Historical and Geographical Account of Pensilvania and of West-New-Jersey, 1698*. In *Narratives of Early Pennsylvania, West New Jersey, and Delaware, 1630–1707,* vol. 13, edited by Albert Cook Myers, 313–337. New York: Barnes and Noble, 1959.

Thomas, Keith. *Man and the Natural World: Changing Attitudes in England, 1500–1800.* London: Penguin Books, 1984.

Thompson, E. P. "Custom, Law and Common Right." In *Customs in Common*. London: Penguin, 1993.

——. *Whigs and Hunters: The Origin of the Black Act.* London: Allen Lane, 1975.

Thomson, Alexander. "Letter from America [1773]." In *Discoveries of America: Personal Accounts of British Emigrants to North America during the Revolutionary Era,* edited by Barbara DeWolfe, 108–121. Cambridge: Cambridge University Press, 1997.

Thoreau, Henry David. *The Journal, 1837–1861*. Edited by Damion Searls. New York: New York Review of Books, 2009.

Thwaites, Reuben Gold. *Daniel Boone*. New York: D. Appleton, 1903.

——, ed. *Early Western Travels, 1748–1846*. 32 vols. Cleveland, OH: Arthur H. Clark, 1904–1907.

——, ed. *The Jesuit Relations and Allied Documents*. 73 vols. Cleveland, OH: Burrows Brothers, 1896–1901.

——, ed. *Original Journals of the Lewis and Clark Expedition, 1804–1806*. 8 vols. New York: Antiquarian Press, 1959.

Tober, James A. *Who Owns the Wildlife? The Political Economy of Nineteenth-Century Conservation in America*. Westport, CT: Greenwood, 1981.

Tocqueville, Alexis de. *Democracy in America*. 1835. Edited by Olivier Zunz. Translated by Arthur Goldhammer. New York: Library of America, 2004.

Tomlins, Christopher. "Animals Accurs'd: Ferae Naturae and the Law of Property in Nineteenth-Century North America." *University of Toronto Law Journal* 63 (2013): 35–52.

——. *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America*. Cambridge University Press, 2010.

——. *Law, Labor, and Ideology in the Early American Republic*. New York: Cambridge University Press, 1993.

——. "The Many Legalities of Colonization: A Manifesto of Destiny for Early American Legal History." In *The Many Legalities of Early America,* edited by Christopher L. Tomlins and Bruce H. Mann, 1–20. Chapel Hill: University of North Carolina Press, 2001.

Toulmin, Harry. *The Western Country in 1793: Reports on Kentucky and Virginia,* edited by Marion Tinling and Godfrey Davies. San Marino, CA: Castle, 1948.

Tournefort, Joseph Pitton de. *Materia Medica; or, a description of simple medicines generally us'd in physic . . . Translated into English*. 2nd ed. London: W. H. for Andrew Bell, 1716.

"A Treaty Held at the Town of Lancaster, By the Honourable the Lieutenant Governor of the Province, and the Honourable the Commissioners for the Province of Virginia and Maryland, with the Indians of the Six Nations in June, 1744." In *Indian Treaties Printed by Benjamin Franklin, 1736–1762,* edited by Carl Van Doren and Julian P. Boyd, 41–79. Philadelphia: Historical Society of Pennsylvania, 1938.

Trelease, Alan W. "The Iroquois and the Western Fur Trade: A Problem of Interpretation." *Mississippi Valley Historical Review* 49 (1962): 32–51.

Trigger, Bruce. *The Children of Aataentsic: A History of the Huron People to 1660*. Vol. 2. 1976. Reprint, Montreal: McGill-Queen's University Press, 2000.

A True Declaration of the estate of the Colonie in Virginia, With a confutation of such scandalous reports as have tended to the disgrace of so worthy an enterprise. Published by the advise and direction of the Councell of Virginia. 1610. In Force, *Tracts,* vol. 3, tract no. 1.

Trumbull, J. Hammond, and Charles J. Hoadly, eds. *Public Records of the Colony of Connecticut*. 15 vols. Hartford, CT: Press of Case, Lockwood, and Brainard, 1850–1890.

Tryon, William. Governor Tryon to Earl Hillsborough, Nov. 30, 1769. In Saunders and Clark, *Colonial and State Records of North Carolina,* 8:153–154.

Turner, Frederick Jackson. "The Significance of the Frontier in American History, [1893]." In *The Frontier in American History.* New York: Henry Holt, 1920.

Turner, Jack. "In Wildness is the Preservation of the World." In Callicott and Nelson, *Great New Wilderness Debate,* 617–627.

Turner, James Morton. *The Promise of Wilderness: American Environmental Politics since 1964*. Seattle: University of Washington Press, 2012.

United States. US Department of Agriculture. "Brucellosis and Yellowstone Bison." Animal and Plant Health Inspection Service. www.aphis.usda.gov/animal_health/animal_dis_spec/cattle/downloads/cattle-bison.pdf.

United States Congress. House. Report of Indian Peace Commissioners, Message from the President of the United States, transmitting report of the Indian peace commissioners, January 14, 1868. 40th Cong., 2nd Sess., 1867–1868. H. Ex. Doc. 97, serial 1337.

Usner, Daniel H., Jr. *Indians, Settlers, and Slaves in a Frontier Exchange Economy: The Lower Mississippi Valley Before 1783*. Chapel Hill: University of North Carolina Press, 1992.

Utley, Robert M. *Life in Custer's Cavalry: Diaries and Letters of Albert and Jennie Barnitz, 1867–1868*. 1977. Reprint, Lincoln: University of Nebraska Press, 1987.

Van der Donck, Adriaen. *Description of New Netherland [in 1640].* Translated by Jeremiah Johnson. New York: New York Historical Society, 1841. Early Encounters in North America, S3105.

Van Zandt, Cynthia J. *Brothers Among Nations: The Pursuit of Intercultural Alliances in Early America, 1580–1660*. New York: Oxford University Press, 2008.

Venema, Janny. *Beverwijck: A Dutch Village on the American Frontier, 1652–1664*. Albany: State University of New York Press, 2003.

Veracini, Lorenzo. *The Settler Colonial Present*. Basingstoke, UK: Palgrave MacMillan, 2015.

VerCauteren, Kurt. "The Deer Boom: Discussions of Population Growth and Range Expansion of the White-Tailed Deer." In *Bowhunting Records of North American White-Tailed Deer,* 2nd ed., edited by G. Hisey and K. Hisey, 15–20. Chatfield, MN: Pope and Young Club, 2003.

Verhoven, Wil. *Gilbert Imlay: Citizen of the World*. London: Pickering and Chatto, 2008.

Verrazano, Giovanni da. "To his Most Serene Majesty the King of France." In *Sailors' Narratives of Voyages along the New England Coast, 1524–1624,* edited by George Parker Winship, 1–23. Boston: Houghton, Mifflin, 1905.

Vest, Jay Hansford. "Will of the Land: Wilderness Among Primal Indo-Europeans." *Environmental Review* 9 (Winter 1985): 323–329.

Vickers, Daniel. "Competency and Competition: Economic Culture in Early America." *William and Mary Quarterly* 47 (January 1990): 3–29.

——. "Those Dammed Shad: Would the River Fisheries of New England Have Survived in the Absence of Industrialization?" *William and Mary Quarterly* 61, no. 4 (October 2004): 685–712.

Villagrá, Gaspar Pérez de. *History of New Mexico, 1610*. Edited by Gilbert Espinosa. Los Angeles, CA: Quivira Society, 1933.

Virginia. *Collection of All Such Acts of the General Assembly of Virginia of a Public and Permanent Nature as Have Passed since the Session of 1801.* 2 vols. Richmond: Samuel Pleasants, 1808.

Vucetich, John, Leah M. Vucetich, and Rolf O. Peterson. "The Causes and Consequences of Partial Prey Consumption by Wolves Preying on Moose." *Behavioral Ecology and Sociobiology* 66 (2012): 295–303.

Waddell, Jos. A. *Annals of Augusta County, Virginia, From 1726 to 1871.* 2nd ed. 1902. Reprint, Baltimore: Genealogical Publishing, 1991.

Walker, Brett L. "Animals and the Intimacy of History." *History and Theory* 52 (December 2013): 45–67.

Walker, Thomas. "Journal of Dr. Thomas Walker, 1749–1750." In Stoddard, *First Explorations of Kentucky,* 33–84.

Wall, Derek. *The Commons in History: Culture, Conflict, and Ecology.* Cambridge: Massachusetts Institute of Technology Press, 2014.

Wallace, Paul A. W. *Indians in Pennsylvania.* 2nd rev. ed. Edited by William A. Hunter. Harrisburg: Pennsylvania Historical and Museum Commission, 2005.

Waller, David M. "Getting Back to the Right Nature: A Reply to William Cronon's 'The Trouble With Wilderness.'" In Callicott and Nelson, *The Great New Wilderness Debate,* 540–567. Athens: University of Georgia Press, 1998.

Walsh, Lorena. "Land Use, Settlement Patterns, and the Impact of European Agriculture, 1620–1820." In Curtin, Brush, and Fisher, *Discovering the Chesapeake,* 220–248.

———. *Motives of Honor, Pleasure, and Profit: Plantation Management in the Colonial Chesapeake, 1607–1763.* Chapel Hill: University of North Carolina Press, 2010.

Warde, Paul. "The Idea of Improvement, c. 1520–1700." In *Custom, Improvement, and Landscape in Early Modern Britain,* edited by Richard W. Hoyle, 127–148. Farnham, Surrey: Ashgate, 2011.

Warren, Louis. *The Hunter's Game: Poachers and Conservationists in Twentieth-Century America.* New Haven, CT: Yale University Press, 1997.

———. "Owning Nature: Toward an Environmental History of Private Property." In *The Oxford Handbook of Environmental History,* edited by Andrew Isenberg, 398–424. New York: Oxford University Press, 2014.

Warren, Stephen. *Worlds the Shawnees Made: Migration and Violence in Early America.* Chapel Hill: University of North Carolina Press, 2014.

Waselkov, Gregory A. "Evolution of Deer Hunting in the Eastern Woodlands." *Midcontinental Journal of Archaeology* 3, no. 1 (Spring 1978): 15–34.

Washburn, Wilcomb E. *The Governor and the Rebel: A History of Bacon's Rebellion in Virginia.* Chapel Hill: University of North Carolina Press, 1957.

Washington, George. "Remarks & Occurs. in Feby. [1770]." Founders Online. National Archives. http://founders.archives.gov.

Washington, Lund. "To George Washington from Lund Washington, 8 April 1778." Founders Online. National Archives. http://founders.archives.gov.

Waterhouse, Edward. "A Declaration of the State of the Colony and . . . a Relation of the Barbarous Massacre . . . . " In Kingsbury, *Records of the Virginia Company,* 3:541–571.

Watkins, Robert, and George Watkins, comp. *A Digest of the Laws of the State of Georgia, from its First Establishment as a British Province down to the Year 1800 Inclusive*. Philadelphia: R. Aitken, 1800.

Watson, Blake A. *Buying America From the Indians: Johnson v. McIntosh and the History of Native Land Rights*. Norman: University of Oklahoma Press, 2012.

Watson, Harry L. "'The Common Rights of Mankind': Subsistence, Shad, and Commerce in the Early Republican South." *Journal of American History* 83, no. 1 (June 1996): 13–43.

Wayne, Robert K., Jennifer A. Leonard, and Charles Vilà. "Genetic Analysis of Dog Domestication." In *Documenting Domestication: New Genetic and Archeological Paradigms,* edited by Melinda A. Zeder, Daniel Bradley, Eve Emshwiller, and Bruce D. Smith, 279–293. Berkeley: University of California Press, 2006.

Wear, Andrew. "The Prospective Colonist and Strange Environments: Advice on Health and Prosperity." In *Cultivating the Colonies: Colonial States and Their Environmental Legacies,* edited by Christina Folke Ax, Niels Brimmes, Niklas Thode Jensen, and Karen Oslund, 19–46. Athens: Ohio University Press, 2011.

Webb, Stephen Saunders. *1676: The End of American Independence*. New York: Alfred A. Knopf, 1984.

Wecker, Johann Jacob, and R. Read. *Eighteen Books of the Secrets of Art and Nature: Being the Summe and Substance of Naturall Philosophy*. London: Robert Stockwell, 1660.

Welwod, William. *An Abridgement of All Sea-Lawes*. London: Printed for Humfrey Lownes, for Thomas Man, 1613.

Wertenbaker, Thomas Jefferson. *Torchbearer of the Revolution: The Story of Bacon's Rebellion and Its Leader*. Princeton, NJ: Princeton University Press, 1940.

"Westmoreland County Records." Reprinted in *William and Mary College Quarterly Historical Magazine,* 1st ser., 15, no. 3 (1907): 33–49.

White, Andrew. Father Andrew White to Lord Baltimore, February 20, 1638. In Lee, *Calvert Papers,* 201–211.

——. *A Relation of the Colony of the Lord Baron of Baltimore, in Maryland*. 1633. Translated by N. C. Brooks. Baltimore, 1847.

White, Richard. *It's Your Misfortune and None of My Own: A New History of the American West*. Norman: University of Oklahoma Press, 1991.

——. *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650–1815*. New York: Cambridge University Press, 1991.

——. *Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaws, Pawnees, and Navajos*. Lincoln: University of Nebraska Press, 1983.

Whitney, Gordon G. *From Coastal Wilderness to Fruited Plain: A History of Environmental Change in Temperate North America, 1500 to the Present*. New York: Cambridge University Press, 1994.

Wilf, Steven. *Law's Imagined Republic: Popular Politics and Criminal Justice in Revolutionary America*. New York: Cambridge University Press, 2010.

Wilkinson, James B. "Wilkinson's Report on the Arkansaw." In Coues, *The Expeditions of Zebulon Montgomery Pike,* 2:539–561.

Williams, Edward [John Ferrar]. *Virginia: More Especially the Southern Part Thereof, Richly and Truly Valued*. London: Printed by T.H. for John Stephenson, 1650. Early

English Books Online Text Creation Partnership. name.umdl.umich.edu/A66356.0001.001.

Williams, Michael. *Americans and Their Forests: A Historical Geography*. Cambridge: Cambridge University Press, 1989.

Williams, Raymond. "Ideas of Nature." In Raymond Williams, *Culture and Materialism: Selected Essays*. 67–84. London: Verso, 2005.

Williams, Roger. *A Key into the Language of America*. 1643. Reprint with an introduction by Howard M. Chapin. Bedford, MA: Applewood Books, 1997.

Williamson, Tom. *An Environmental History of Wildlife in England, 1650–1950*. London: Bloomsbury, 2013.

Willis, Thomas. *The London Practice of Physick, Or The Whole Practical Part of Physick*. London: Thomas Basset, 1685.

Winthrop, John. "Reasons to be considered for justifying the undertakers of the intended Plantation in New England, & for incouraginge such whose hartes God shall move to join with them in it." In *Proceedings of the Massachusetts Historical Society, 1864–1865,* vol. 8, 420–427. Boston: Massachusetts Historical Society, 1866.

Wither, George. "To His Friend, Captain John Smith upon His Description of New England." Preface to Smith, *Description of New England*.

Withers, Alexander Scott. *Chronicles of Border Warfare* (1831). Edited by Reuben Gold Thwaites. Glendale, CA: Arthur H. Clark Co., 1895.

Wolfe, Patrick. "Settler Colonialism and the Elimination of the Native." *Journal of Genocide Research* 8 (2006): 387–409.

Wood, William. *Wood's New-England's Prospect*. 1634. Reprint, Boston: Prince Society, 1865.

Worman, Charles G. *Gunsmoke and Saddle Leather: Firearms in the Nineteenth-Century American West*. Albuquerque: University of New Mexico Press, 2005.

Worthington, Chauncey Ford, et al., eds. *Journals of the Continental Congress from 1774–1788*. Vol. 25. Washington, DC: Government Printing Office, 1922.

Wright, R. Gerald. *Wildlife Research and Management in the National Parks*. Urbana: University of Illinois Press, 1992.

Wyatt, Francis. "A Proclamation against stealing of beasts & Birds of Domesticall & tame nature, September 21, 1623." In Kingsbury, *Records of the Virginia Company,* 4:283–284.

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